**ATTACHMENT TWO:**

**CHAPTER 56 SECTIONS WITH SIGNIFICANT REVISIONS TO THE NOPR PROPOSAL.**

**L-00060182**

**§ 56.2. Definition of Billing Month:**

(IV) BILLS FOR LESS THAN 26 DAYS OR MORE THAN 35 DAYS SHALL BE PERMITTED IF THEY RESULT FROM A METER READING ROUTE CHANGE INITIATED BY THE PUBLIC UTILITY. THE PUBLIC UTILITY SHALL INFORMALLY CONTACT THE DIRECTOR OF THE BUREAU OF CONSUMER SERVICES AT LEAST 30 DAYS PRIOR TO THE REROUTING AND PROVIDE INFORMATION AS TO WHEN THE BILLING WILL OCCUR, THE NUMBER OF CUSTOMERS AFFECTED AND A GENERAL DESCRIPTION OF THE GEOGRAPHIC AREA INVOLVED. IF A BILL RESULTING FROM A METER RE-ROUTING EXCEEDS 60 DAYS THE CUSTOMER SHALL BE GIVEN THE OPPORTUNITY TO AMORTIZE THE AMOUNT OVER A PERIOD EQUAL TO THE PERIOD COVERED BY THE BILL WITHOUT PENALTY.

* **This language was added to permit utilities to perform routine meter route changes without having the expense or bother of filing petitions with the Commission for permission to do so.**

**§ 56.2. Definition of Informal dispute settlement agreement:**

*~~Informal dispute settlement agreements--~~*~~A mutually agreeable statement of a claim or dispute by a customer or applicant including a proposed resolution of the claim or dispute. An informal dispute settlement agreement is a written document that is provided to the parties or their representatives. An informal dispute settlement agreement offered by a utility must contain the following statement: ''If you are not satisfied with this agreement, immediately notify the utility that you are not satisfied. You may file either an informal complaint or a formal complaint before the Public Utility Commission without making yourself subject to retaliation by the Utility.'' The informal dispute settlement agreement must also contain the information necessary to contact the Commission either in writing or by telephone.~~

* **This definition is being removed in response to numerous negative comments that this NOPR proposal was unnecessary and confusing.**

**§ 56.11. Billing frequency.**

(a)A public utility shall render a bill once every billing period to every residential [ratepayer]customer in accordance with approved rate schedules.

(b) A public utility may utilize electronic billing in lieu of mailed paper bills. Electronic billing programs must include the following requirements:

(1) The electronic billing option is voluntary ~~and the customer retains the option of continuing to receive a paper bill if desired~~ AND ONLY WITH THE PRIOR CONSENT OF THE CUSTOMER. The customer retains the right to revert to conventional paper billings upon request. The customer shall provide the public utility with a 1 ~~month~~ BILLING CYCLE notice of a request to revert to paper billing.

(2) A customer shall receive ~~a visual presentation of an electronic bill in the same format as the~~ THE SAME INFORMATION THAT IS INCLUDED WITH A paper bill issued by the public utility.

(3) The electronic bill must include the same disclosures and ~~required~~ educational messages that are required for paper bills. The electronic transmission of termination notices may not be permitted UNLESS THE CUSTOMER HAS AFFIRMATIVELY CONSENTED TO THIS METHOD OF DELIVERY. THE ELECTRONIC DELIVERY OF A TERMINATION NOTICE DOES NOT RELIEVE THE PUBLIC UTILITY OF THE OBLIGATION TO PROVIDE TERMINATION NOTICES AS REQUIRED BY §§ 56.91 – 56.98.

 (4) The electronic bill must include required bill inserts in an easily accessed and easily readable format.

(5) The electronic bill must include the option for the customer to contribute to the public utility's hardship fund IF THE UTILITY IS ABLE TO ACCEPT HARDSHIP FUND CONTRIBUTIONS BY THIS METHOD.

(6) A customer may not be required to pay an additional fee to receive an electronic bill.

(7) The public utility shall maintain a system to ~~ensure delivery of~~ DELIVER electronic bills if the bill is emailed to a customer.

(8) The public utility shall ~~maintain sufficient system security to assure customer privacy~~ EMPLOY ALL REASONABLE MEASURES TO PROTECT CUSTOMER INFORMATION FROM UNAUTHORIZED DISCLOSURE AND TO PREVENT ACCESS TO CUSTOMER ACCOUNT RECORDS BY PERSONS WHO ARE NOT PROPERLY AUTHORIZED TO HAVE SUCH ACCESS.

* **This section is being revised to eliminate the requirement that utilities provide both hard copy *and* electronic bills to a customer if customer requests. This was seen as unnecessary and costly. Paragraph 2 was also revised to loosen the formatting requirements as to give utility greater flexibility in formatting electronic bills.**

**§ 56.12. Meter reading; estimated billing; [ratepayer] customer readings.**

 (7) [*Equal monthly*] *Budget**billing*. A gas, electric and steam heating PUBLIC utility shall provide its residential [ratepayers]customers, on a year-round rolling enrollment basis, with an optional billing procedure which averages estimated public utility service costs over a 10-month, 11-month or 12-month period to eliminate, to the extent possible, seasonal fluctuations in utility bills. The public utility shall review accounts at least three times during the optional billing period. AT THE CONCLUSION OF THE BUDGET BILLING YEAR, A resulting reconciliation amount exceeding $~~25~~ 100 BUT LESS THAN $300 shall be, AT THE REQUEST OF THE CUSTOMER, amortized over a ~~3--12~~ 6-month period. RECONCILIATION AMOUNTS EXCEEDING $300 SHALL BE AMORTIZED OVER AT LEAST A 12-MONTH PERIOD AT THE REQUEST OF THE CUSTOMER. SHORTER AMORTIZATION PERIODS ARE PERMISSIBLE AT THE REQUEST OF THE CUSTOMER. ~~Payment agreements for heating customers shall be based upon equal monthly billing.~~

* **The amortization requirement was made less burdensome for the utility by making the circumstances under which it is required more restrictive. Amortization timeframes were also shortened, and is required only at the request of the customer.**

**§ 56.22. Accrual of late payment charges.**

 (d) A public utility may waive a late payment charge on any customer accounts. The Commission may direct the waiver of late payment charges for customers with a gross income less than or equal to 150% of the Federal poverty level. See 66 Pa.C.S. § 1409 (relating to late payment charge waiver). A PUBLIC UTILITY MAY WAIVE LATE PAYMENT CHARGES ON ANY CUSTOMER ACCOUNTS. THE COMMISSION MAY ONLY ORDER A WAIVER OF ANY LATE PAYMENT CHARGES LEVIED BY A PUBLIC UTILITY AS A RESULT OF A DELINQUENT ACCOUNT FOR CUSTOMERS WITH A GROSS MONTHLY HOUSEHOLD INCOME NOT EXCEEDING 150% OF THE FEDERAL POVERTY LEVEL. SEE PA C.S. § 1409 (RELATING TO LATE PAYMENT CHARGE WAIVER).

~~(e) Additional late payment charges may not be assessed on account balances once the account is no longer actively billed by the public utility.~~

* **The proposed paragraph (e) has been removed based on comments received that indicated the provision was confusing and not necessary. The original intent was to prevent a utility from imposing additional late charges on an account without issuing a bill for the charges.**

**§ 56.25. Electronic bill payment.**

A public utility may offer electronic payment options. Electronic payment programs must include the following requirements:

(1) Electronic bill payment shall be voluntary and ~~may not be required in conjunction with electronic billing~~ A PUBLIC UTILITY MAY NOT REQUIRE A CUSTOMER TO ENROLL IN ELECTRONIC BILL PAYMENT AS A CONDITION FOR ENROLLING IN ELECTRONIC BILLING.

(2) For electronic bill payment through a charge to a customer's credit card or automatic withdrawal from a customer's ~~checking~~ FINANCIAL account, the program must set forth the date (or number of days after issuance of the bill) when the automatic payment shall be made.

(3) The terms of the payment procedures shall be fully disclosed to the customer in writing, EITHER BY MAIL OR ELECTRONICALLY before the customer enters the program. Program changes shall be conveyed to the customer in writing, EITHER BY MAIL OR ELECTRONICALLY and the customer shall be given an opportunity to withdraw from the program if the customer does not wish to continue under the new terms.

(4) The public utility shall provide a receipt, OR A CONFIRMATION, TRANSACTION OR REFERENCE NUMBER, either electronically or on paper, to the customer upon payment through the electronic method. THIS REQUIREMENT DOES NOT APPLY IF THE PAYMENT METHOD IS THROUGH A PRE-AUTHORIZED AUTOMATED DEBIT FROM A CUSTOMER’S FINANCIAL ACCOUNT.

(5) The public utility shall ~~maintain sufficient system security to protect customer information and access to customer accounts~~ EMPLOY ALL REASONABLE MEASURES TO PROTECT CUSTOMER INFORMATION FROM UNAUTHORIZED DISCLOSURE AND TO PREVENT ACCESS TO CUSTOMER ACCOUNT RECORDS BY PERSONS WHO ARE NOT PROPERLY AUTHORIZED TO HAVE SUCH ACCESS.

* **Paragraph (3) was revised to allow the electronic provision of terms and procedures to the customer instead of requiring them to be sent by mail. This should save on paper, printing, handling and postal costs.**
* **Paragraph (4) was revised to remove the receipt requirement in instances when the payment is automatically debited from a customer’s account through a pre-authorized agreement. This was based on comments pointing out that these types of transactions have been going on for many years and that in these cases it is the financial institution that provides receipt and tracking information to the customer.**

**§ 56.33. [Cash deposits; third] Third-party guarantors.**

If an applicant does not establish [his] credit under § 56.32 (relating to [credit standards]security and cash deposits), the public utility shall provide residential service when one of the following requirements is satisfied:

\* \* \* \* \*

(2) *Third-party guarantor*. [The applicant furnishes a written guarantee from a responsible ratepayer which, for the purposes of this section, shall mean a ratepayer who has or can establish credit, under § 56.32, to secure payment in an amount equal to that required for cash deposits.

(i) A guarantee shall be in writing and shall state the terms of the guarantee.

(ii) The guarantor shall be discharged when the applicant has met the terms and conditions which apply under §§ 56.52--56.57.]

This section does not preclude an applicant from furnishing a third-party guarantor in lieu of a cash deposit. The guaranty must be in writing and state the terms of the guaranty. The guarantor shall be responsible for all missed payments owed to the public utility. FOR THE PURPOSES OF THIS SECTION, THE GUARANTOR SHALL MEAN A THIRD-PARTY WHO HAS OR CAN ESTABLISH CREDIT, UNDER § 56.32 (RELATING TO SECURITY AND CASH DEPOSITS).

* **Paragraph (2) was revised to require that a third-party guarantor must be a party that can establish credit with the utility. This was based on comments pointing out that it is nonsensical to allow a party that cannot establish credit to guarantee another party’s credit.**

**§ 56.35. Payment of outstanding balance.**

(a) A public utility may require, as a condition of the furnishing of residential service to an applicant, the payment of any outstanding residential account with the publicutility which accrued within the past 4 years for which the applicant is legally responsible and for which the applicant was billed properly. [However, any such]

(b) A public utility may not require, as a condition of the furnishing of residential service, payment for residential service previously furnished under an account in the name of a person other than the applicant,EXCEPT AS PROVIDED FOR IN PARAGRAPHS (1) AND (2) OF THIS SECTION.

(1) A public utility may require the payment of an outstanding balance or portion of an outstanding balance if the applicant resided at the property for which service is requested during the time the outstanding balance accrued and for the time the applicant resided there, not exceeding 4 years FROM THE DATE OF THE SERVICE REQUEST.THE 4-YEAR LIMIT DOES NOT APPLY IF THE BALANCE INCLUDES AMOUNTS THAT THE UTILITY WAS NOT AWARE OF BECAUSE OF FRAUD OR THEFT ON THE PART OF THE APPLICANT.

(2) A public utility may establish that an applicant previously resided at a property for which residential service is requested through the use of mortgage, deed or lease information, a commercially available consumer credit reporting service or other methods approved as valid by the Commission. PUBLIC UTILITIES MUST INCLUDE IN THEIR TARIFFS FILED WITH THE COMMISSION THE METHODS, OTHER THAN THOSE SPECIFICALLY MENTIONED IN THIS PARAGRAPH, USED TO DETERMINE THE APPLICANT’S LIABILITY FOR ANY OUTSTANDING BALANCE.

(3) ~~Public utilities shall include in their tariffs filed with the Commission the procedures and standards used to determine the applicant's liability for any outstanding balance~~. Anyoutstanding residential account with the public utility may be amortized [over a reasonable period of time. Factors to be taken into account include but are not limited to the size of the unpaid balance, the ability of the applicant to pay, the payment history of the applicant, and the length of time over which the bill accumulated. A utility may not require, as a condition of the furnishing of residential service, payment for residential service previously furnished under an account in the name of a person other than the applicant unless a court, district justice or administrative agency has determined that the applicant is legally obligated to pay for the service previously furnished. Examples of situations include a separated spouse or a cotenant] in accordance with § 56.191 (relating to ~~the general rule~~ PAYMENT AND TIMING).

(c) This section does not affect the creditor rights and remedies of a public utility otherwise permitted by law.

* **Paragraph (1) was revised to exempt from the four-year limit on assignments of liability any balances that accrued without the utility’s knowledge because of theft or deception. Paragraphs (2) and (3) were revised to only require the tariffing of standards not specifically mentioned in this section.**

**§ 56.37. General rule.**

Once an applicant's application for service is accepted by the public utility, the public utility shall MAKE A BONA FIDE ATTEMPT TO provide service within 3 BUSINESS days, provided that the applicant has met all REGULATORY requirements. A BONA FIDE ATTEMPT TO PROVIDE SERVICE WITHIN 7 BUSINESS DAYS IS PERMISSIBLE IF STREET OR SIDEWALK DIGGING IS REQUIRED. A longer time frame is permissible with the consent of the applicant. If the investigation and determination of credit status is expected to take or in fact takes longer than 3 business days commencing the date after the application is made, the public utility shall provide service pending completion of the investigation. IF THE PUBLIC UTILITY CANNOT PROVIDE SERVICE BY THE TIMEFRAMES SPECIFIED BY THIS PARAGRAPH, THEY SHALL INFORM THE CUSTOMER OF THIS FACT AND PROVIDE A REASONABLE ESTIMATE OF WHEN SERVICE WILL BE PROVIDED. THESE REQUIREMENTS DO NOT APPLY TO NEW SERVICE INSTALLATIONS AND SERVICE EXTENSIONS THAT REQUIRE THE CONSTRUCTION OF FACILITIES TO PROVIDE THE PUBLIC UTILITY SERVICE.

* **This section was revised to make clearer that: only a bona fide attempt at providing service is required; that the 3-day limit refers to business days; that seven days is permissible if digging is required; and that none of these limits apply if the construction of facilities is involved. This was done based on utility comments asking for more clarity, and to bring the rule more into alignment with Section 1407(b).**

**§ 56.38. Payment period for deposits by applicants.**

An applicant REQUIRED TO PAY A DEPOSIT UNDER THE PROVISIONS OF § 56.32 (RELATING TO SECURITY AND CASH DEPOSITS) may ~~elect to pay any required deposits in three installments: 50% payable upon the determination by the public utility that the deposit is required, 25% payable 30 days after the determination, and 25% payable 60 days after the determination.~~ BE REQUIRED BY THE PUBLIC UTILITY TO PAY THE DEPOSIT IN FULL PRIOR TO THE PROVISION OF PUBLIC UTILITY SERVICE. ~~A public utility shall advise an applicant of the option to pay the requested security deposit in installments at the time the deposit is requested.~~

* **This was a major revision that eliminated the “installment plan” for applicants paying deposits. Applicants paying deposits under § 56.32 must now pay the deposit in full prior to receiving service. While we believe the NOPR proposal was legally supportable, this revision is probably more supportable. However, it does sacrifice simplicity in that deposits now have different payment provisions, depending on the grounds for the deposit and whether the party is a *customer* or an *applicant*. See § 56.42.**

**§ 56.42. Payment period for deposits BY CUSTOMERS .**

(A) INITIAL DUE DATE. The due date for payment of a deposit other than a deposit required as a condition for the reconnection of service under § 56.41[(b)] (2) (relating to general rule) may not be less than 21 days from the date of mailing or service on the [ratepayer] customer of notification of the amount due.

(B) DELINQUENT ACCOUNT. A [ratepayer] customer PAYING A DEPOSIT UNDER § 56.41(1) (RELATING TO THE GENERAL RULE) may elect to pay a required deposit in three installments: 50% payable BILLED upon the determination by the public utility that the deposit is required, 25% payable BILLED 30 days after the determination and 25% payable BILLED 60 days after the determination. A customer paying a deposit based on the grounds in § 56.41(2) may be required to pay 50% as part of the conditions for restoration, with 25% payable 60 days later and 25% payable 90 days later. THE CUSTOMER MUST BE INFORMED OF THE OPTION TO PAY THE DEPOSIT IN THE INSTALLMENTS DESCRIBED IN THIS PARAGRAPH. THE CUSTOMER RETAINS THE OPTION TO PAY THE DEPOSIT AMOUNT IN FULL BEFORE THE DUE DATE.

(C) *RECONNECTION OF SERVICE.* A CUSTOMER PAYING A DEPOSIT FOR THE RECONNECTION OF SERVICE UNDER § 56.41(2) (RELATING TO THE GENERAL RULE) MAY BE REQUIRED TO PAY 50% PRIOR TO, AND AS A CONDITION OF, THE RECONNECTION OF SERVICE WITH 25% BILLED 30 DAYS AFTER RECONNECTION OF SERVICE AND 25% BILLED 60 DAYS AFTER THE RECONNECTION OF SERVICE. THE CUSTOMER MUST BE INFORMED OF THE OPTION TO PAY THE DEPOSIT IN THE INSTALLMENTS DESCRIBED IN THIS PARAGRAPH. THE CUSTOMER RETAINS THE OPTION TO PAY THE DEPOSIT AMOUNT IN FULL BEFORE THE DUE DATE.

(D) *FAILURE TO COMPLY WITH A PAYMENT AGREEMENT.* A CUSTOMER PAYING A DEPOSIT UNDER § 56.41(3) (RELATING TO THE GENERAL RULE) MAY BE REQUIRED TO PAY THE DEPOSIT IN FULL UPON THE DETERMINATION OF THE UTILITY THAT A DEPOSIT IS REQUIRED.

* **As noted above in reference to § 56.38, this section was revised to clarify the differing deposit payment periods that are dependent on the grounds for the deposit. This was revised based on comments that insisted the NOPR proposal permitting “installment plans” in all situations was not legally supportable. See discussion relating to § 56.38.**

**§ 56.51. Amount of cash deposit.**

(a) *Applicants*. A public utility may [not] require a cash deposit [from an applicant in excess of the average estimated bill of the applicant for a period equal to one billing period plus 1 additional month's service, not to exceed 4 months in the case of water and sewage utilities and 2 months in the case of gas, electric and steam heat utilities, with a minimum deposit of $5] equal to 1/6 of the applicant's estimated annual bill CALCULATED ON THE BASIS OF THE ANNUAL BILL TO THE DWELLING AT WHICH SERVICE IS BEING REQUESTED FOR THE PRIOR 12 MONTHS, OR, IF UNAVAILABLE, A SIMILAR DWELLING IN CLOSE PROXIMITY. ~~under the following circumstances~~:

~~(1) An applicant who previously received utility distribution services and was a customer of the public utility and whose service was terminated for any of the following reasons:~~

~~(i) Nonpayment of an undisputed delinquent account.~~

~~(ii) Failure to complete payment of a deposit, provide a guarantee or establish credit.~~

~~(iii) Failure to permit access to meters, service connections or other property of the public utility for the purpose of replacement, maintenance, repair or meter reading.~~

~~(iv) Unauthorized use of the utility service delivered on or about the affected dwelling.~~

~~(v) Failure to comply with the material terms of a settlement or payment agreement.~~

~~(vi) Fraud or material misrepresentation of identity for the purpose of obtaining utility service.~~

~~(vii) Tampering with meters, including, but not limited to, bypassing a meter or removal of an automatic meter reading device or other public utility equipment.~~

~~(viii) Violating tariff provisions on file with the Commission to endanger the safety of a person or the integrity of the delivery system of the public utility.~~

~~(2) An applicant or customer who is unable to establish creditworthiness to the satisfaction of the public utility through the use of a generally accepted credit scoring methodology which employs standards for using the methodology that fall within the range of general industry practice.~~

~~(3) A customer who fails to comply with a material term or condition of a settlement or payment agreement.~~

(b) *City natural gas operation*. A city natural gas distribution operation may require a cash deposit from an applicant with a household income no greater than 300% of the Federal poverty level in an amount not in excess of 1/12 of the applicant's estimated annual bill. A city natural gas operation may require a cash deposit from an applicant with a household income level above 300% of the Federal poverty level in the amount of 1/6 of the applicant's estimated annual bill. An estimated annual bill shall be calculated on the basis of the annual bill to the dwelling at which service is being requested for the prior 12 months, or, if unavailable, a similar dwelling in close proximity.

**(c)** *Existing* [*ratepayers*] ***customers***. For an existing [ratepayer] **customer**, the cash deposit may not exceed the estimated charges for service based on the prior consumption of that [ratepayer] **customer** for the class of service involved for a period equal to one average billing period plus 1 average month, not to exceed 4 months in the case of water [and sewage] utilities and 2 months in the case of gas[,] and electric [and steam heat] utilities, with a minimum of $5.

[(c)] (d)*Adjustment of deposits*. The amount of a cash deposit may be adjusted at the request of the [ratepayer] customer or the public utility whenever the character or degree of the usage of the [ratepayer] customer has materially changed or when it is clearly established that the character or degree of service will materially change in the immediate future.

* **While the removed provisions of this section appear significant, in fact this is not a significant change to the regulation. This language was removed because, as comments pointed out, it was information not appropriate to this section in that this section concerns the amount of a deposit, not the grounds for such. Comments also pointed out that this language was superfluous information in that these requirements are found elsewhere (see § 56.32).**

**§ 56.72. ~~Discontinuation~~ DISCONTINUANCE of service.**

A public utility may discontinue service without prior written notice under the following circumstances:

(1) [*Ratepayer's*]*Customer's**residence.* When a [ratepayer] customer requests a discontinuance at ~~his~~ THE CUSTOMER’S residence, when the [ratepayer] customer and members of ~~his~~ THE CUSTOMER’S household are the only occupants. ~~If the account is listed in multiple customer names and the public utility receives a request for discontinuance from just one or more of the customers listed, but not all the customers listed, the customer requesting discontinuance shall state that all the occupants meeting the definition of customer consent to the cessation of service. If consent is not provided, the public utility, at least 3 days prior to the proposed discontinuance, shall conspicuously post notice of termination at the affected premises.~~

* **The language in paragraph (1) was proposed to address situations where discontinuance is requested for an account that is in multiple names (something that may occur more frequently with Chapter 14 liability rules). However, based on a review of the comments, handling these situations is probably best left to the management discretion of the utility. Many different scenarios are possible and creating regulations that would address most of these could be unwieldy and possibly unworkable.**

**§ 56.91. General notice provisions and contents of termination notice.**

(a)Prior to [a termination of service, the utility shall mail or deliver written notice to the ratepayer at least 10 days prior to the date of the proposed termination]terminating service for grounds authorized by § 56.81 (relating to authorized termination of service), a public utility shall provide written notice of the termination to the customer at least 10 days prior to the date of the proposed termination. The termination notice ~~must~~ SHALL remain effective for 60 days. In the event of [any taking or acceptance of utility service without the knowledge or approval of the utility, other than unauthorized use of service]A user without contract as defined in § 56.2 (relating to definitions), the public utility shall comply with §§ 56.93--56.97, but need not ~~otherwise~~ provide notice 10 days prior to termination.

(b) A notice of termination must include, in conspicuous print, clearly and fully the following information when applicable:

(1) The reason for the proposed termination.

(2) An itemized statement of ~~accounts~~ AMOUNTS currently due, including any required deposit.

(3) A statement that a ~~specific~~ reconnection fee will be required to have service restored after it has been terminated if a reconnection fee is a part of the tariff of the public utility on file with the Commission. THE STATEMENT MUST INCLUDE THE MAXIMUM POSSIBLE DOLLAR AMOUNT OF THE RECONNECTION FEE THAT MAY APPLY.

(4) The date on or after which service will be terminated unless ONE OF THE FOLLOWING OCCURS:

(i) Payment in full is received.

(ii) The grounds for termination are otherwise eliminated.

(iii) A payment agreement ~~or informal dispute settlement agreement~~ is ~~entered~~ ESTABLISHED.

(iv) Enrollment is made in a ~~universal service~~ CUSTOMER ASSISTANCE program OR ITS EQUIVALENT, IF THE CUSTOMER IS ELIGIBLE FOR THE PROGRAM.

(v) A dispute is filed with the public utility or the Commission.

(VI) PAYMENT IN FULL OF AMOUNTS PAST DUE ON THE MOST RECENT PAYMENT AGREEMENT IS RECEIVED.

(5) A statement that specifies that the notice is valid for 60 days.

(6) A statement that the customer ~~shall~~ SHOULD immediately contact the public utility to attempt to resolve the matter~~, including~~. THE STATEMENT SHALL INCLUDE the address and telephone number where questions may be ~~filed~~ ASKED, HOW payment agreements MAY BE NEGOTIATED AND entered into with the public utility, and WHERE APPLICATIONS CAN BE FOUND AND SUBMITTED FOR ENROLLMENT INTO ~~questions and applications can be found for~~ the public utility's universal service programs, if these programs are offered by the public utility.

(7) The following statement: ''If YOU HAVE QUESTIONS OR NEED MORE INFORMATION, CONTACT US AS SOON AS POSSIBLE AT (UTILITY PHONE NUMBER). AFTER ~~discussing your problem with the utility, you remain dissatisfied~~ YOU TALK TO US, IF YOU ARE NOT SATISFIED, you may file ~~an informal~~ A complaint with the Public Utility Commission. ~~TO AVOID TERMINATION OF SERVICE PENDING RESOLUTION OF A DISPUTE, THIS INFORMAL COMPLAINT MUST BE FILED BEFORE THE PROPOSED DATE FOR TERMINATION OF YOUR SERVICE. You may file an informal complaint by telephoning the Public Utility Commission at~~ THE PUBLIC UTILITY COMMISSION MAY DELAY THE SHUT OFF IF YOU FILE THE COMPLAINT BEFORE THE SHUT OFF DATE. TO CONTACT THEM, CALL 1 (800) 692-7380 or ~~by writing~~ WRITE to the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, Pennsylvania 17105-3265.''

(8) A serious illness notice in compliance with the form in Appendix A (relating to medical emergency notice) except that, for the purpose of § 56.96 (relating to ~~posttermination~~ POST TERMINATION notice), the notice must comply with the form in Appendix B (relating to medical emergency notice).

(9) ~~When~~ IF the public utility has universal service programs, information indicating that special assistance programs ~~are~~ MAY BE available and how to contact the public utility for information and enrollment, and that enrollment in the program ~~is~~ MAY BE a method of avoiding the termination of service.

(10) Notices sent by electric and gas utilities threatening termination in the months of December, January, February and March must include information on the Federal poverty guidelines by household size, the protections available to customers at or below 250% of the Federal poverty ~~line~~ LEVEL, and the required documentation or information the customer shall supply to avoid termination.

(11) Information indicating that special protections are available for victims under a Protection From Abuse Order and how to contact the public utility to obtain more information on these protections.

(12) Information indicating that special protections are available for tenants if the landlord is responsible for paying the public utility bill and how to contact the public utility to obtain more information on these protections.

(13) Information indicating that all adult occupants of the premise whose names appear on the mortgage, deed or lease are considered 'customers' and are responsible for payment of the bill.

(14) Information indicating that if service is shut off, ~~any~~ AN adult occupant who has been living at the premise may have to pay all or portions of the bill THAT ACCRUED WHILE THE ADULT OCCUPANT LIVED THERE to have service ~~restored~~ TURNED BACK ON.

(15) Information indicating that if service is shut off, the customer may be required to pay more than the amount listed on the notice to have service turned back on.

(16) Information indicating that if service is shut off, the customer shall contact the public utility after payment has been made to arrange reconnection of the service and that it may take up to 7 days to have the service ~~restored~~ TURNED BACK ON.

(17) Information in Spanish, directing Spanish-speaking customers to the numbers to call for information and translation assistance. Similar information shall be included in other languages when census data indicates ~~a significant population~~ THAT FIVE PERCENT OR MORE OF THE RESIDENTS OF THE UTILITY’S SERVICE TERRITORY ARE using that language ~~resides in the public utility's service territory~~.

(18) Contact information for customers with disabilities that need assistance.

~~(19) Notices must reflect to the extent practical the Plain Language Guidelines found in § 69.251 (relating to plain language--statement of policy).~~

* **Most of the revisions to this section are non-substantive language changes to make it more “plain language.” However, paragraph (4)(VI) is new and intended to reflect the *Second Implementation* Order. Paragraph (17) was also revised to clarify that information in additional languages is only necessary if a five percent threshold is reached. This was done in reaction to comments that the NOPR proposal was impermissibly vague.**

**§ 56.93. Personal contact.**

(4) If the ratepayer has not made the designation noted in paragraph (2) and if there is no community interest group or other entity which previously has agreed to receive a copy of the notice of termination, contacting the Commission in writing] attempting to contact the customer or responsible adult occupant, either in person or by telephone, to provide notice of the proposed termination at least 3 days prior to the scheduled termination. If personal contact by one method is not possible, the public utility is obligated to attempt the other method.

(b) Phone contact shall be deemed complete upon attempted calls on 2 separate days to the residence between the hours of ~~7~~ 8a.m. and 9 p.m. if the calls were made at various times each day, with the various times of the day being daytime before 5 p.m. and evening after 5 p.m and at least 2 hours apart. CALLS MADE TO CONTACT TELEPHONE NUMBERS PROVIDED BY THE CUSTOMER SHALL BE DEEMED TO BE CALLS TO THE RESIDENCE.

(c) If contact is attempted in person by a home visit, only one attempt is required.~~, but the~~ THE public utility shall conspicuously post a written termination notice at the residence if it is unsuccessful in attempting to personally contact a responsible adult occupant DURING THE HOME VISIT.

(d) The content of the 3-day personal contact notice must ~~comply with § 56.91 (relating to general notice provisions and contents of termination notice)~~ INCLUDE THE DATE AND GROUNDS OF THE TERMINATION; WHAT IS NEEDED TO AVOID THE TERMINATION OF SERVICE; HOW TO CONTACT THE PUBLIC UTILITY AND THE COMMISSION; AND THE AVAILABILITY OF THE EMERGENCY MEDICAL PROCEDURES. THE PUBLIC UTILITY SHALL ALSO ASK THE CUSTOMER OR OCCUPANT IF THEY HAVE ANY QUESTIONS ABOUT THE 10-DAY WRITTEN NOTICE THEY HAVE PREVIOUSLY RECEIVED.

* **Paragraph (d) was revised in reaction to comments that the NOPR proposal would be too expensive and impractical to implement. The revision changes the requirement to focus on a few critical pieces of information that the customer needs. This will make the requirement easier to implement, less expensive, and more beneficial for the customer in that it will put the focus on the critical information.**

**§ 56.97. Procedures upon [ratepayer] customer or occupant contact prior to termination.**

 (b) The public utility, through its [employes] employees, shall exercise good faith and fair judgment in attempting to enter a reasonable [settlement] ~~informal dispute settlement agreement~~~~or~~ payment agreement or otherwise equitably resolve the matter. Factors to be taken into account when attempting to enter into a reasonable [settlement] ~~informal dispute settlement agreement or~~ payment agreement include the size of the unpaid balance, the ability of the [ratepayer] customer to pay, the payment history of the [ratepayer] customer and the length of time over which the bill accumulated. PAYMENT AGREEMENTS FOR HEATING CUSTOMER SHALL BE BASED UPON BUDGET BILLING AS DETERMINED BY § 56.12(7) (RELATING TO METER READING; ESTIMATED BILLING; CUSTOMER READINGS). If [a settlement] ~~an informal dispute settlement agreement or~~ A payment agreement is not established, the company shall further explain the following:

* **The revision to paragraph (b) concerning budget billing is the result of moving this requirement from § 56.12(7) (as proposed in the NOPR) to this section. This was based on comments that suggested payment agreement requirements are more appropriately placed in § 56.97 than in § 56.12 (which addresses meter reading primarily).**

**§ 56.98. [Exception for terminations based on occurrences harmful to person or property] Immediate termination for unauthorized use, fraud, tampering or tariff violations.**

 (b) Upon termination, the public utility shall make a good faith attempt to provide a posttermination notice to the customer or a responsible person at the affected premises~~, and,~~. IF PROVIDING A POST TERMINATION NOTICE TO THE CUSTOMER OR RESPONSIBLE PERSON AT THE AFFECTED PREMISES IS NOT POSSIBLE, THEN THE PUBLIC UTILITY SHALL CONSPICUOUSLY POST THE NOTICE AT THE AFFECTED PREMISES. ~~in~~ IN the case of a single meter, multiunit dwelling, the public utility shall conspicuously post the notice at the dwelling, including in common areas when possible.

* **Paragraph (b) was revised to require the posting of a post-termination notice at the premises if it is not possible to provide it directly to the customer. The NOPR proposal required posting only for multi-unit dwellings.**

**§ 56.100. Winter termination procedures.**

(a) *Water distribution utilities.* Notwithstanding ~~another~~ ANY provision of this chapter, during the period of December 1 through March 31, water distribution utilities subject to this ~~chapter~~ SUBCHAPTER [shall conform to the provisions of this section. The covered utilities may] ~~are~~ MAY not [be] ~~permitted to~~ terminate heat related service between December 1 and March 31 except as provided in this section or in § 56.98 (relating to [exception for terminations based on occurrences harmful to person or property] immediate termination for unauthorized use, fraud, tampering or tariff violations).

(b) *Electric distribution and natural gas distribution utilities*. Unless otherwise authorized by the Commission, during the period of December 1 through March 31, an electric distribution utility or natural gas distribution utility may not terminate ~~heat related~~ service to customers with household incomes at or below 250% of the Federal poverty level except as provided in this section or in § 56.98. The Commission will not prohibit an electric distribution utility or natural gas distribution utility from terminating ~~heat related~~ service in accordance with this section to customers with household incomes exceeding 250% of the Federal poverty level.

(c) *City natural gas distribution utility*. In addition to the winter termination authority in subsection (b), a city natural gas distribution operation may terminate service after January 1 and before April 1 to a customer whose household income exceeds 150% of the Federal poverty level but does not exceed 250% of the Federal poverty level, and starting January 1, has not paid at least 50% of charges for each of the prior 2 months unless the customer has done one of the following:

(1) Proven in accordance with Commission rules, that the household contains one or more persons who are 65 years of age or over.

(2) Proven in accordance with Commission rules, that the household contains one or more persons 12 years of age or younger.

(3) Obtained a medical certification, in accordance with Commission rules.

(4) Paid to the city natural gas distribution operation an amount representing at least 15% of the customer's monthly household income for each of the last 2 months.

(d) *CITY NATURAL GAS DISTRIBUTION UTILITY ~~Notice~~ NOTICE to the Commission*. At the time that the notice of termination required by § 56.91 (relating to general notice provisions and contents of termination notice) is provided to the customer, the city natural gas distribution operation shall provide notice to the Commission. The Commission will not stay the termination of service unless the Commission finds that the customer meets the criteria in subsection (c)(1), (2), (3) or (4).

(e) *Identification of accounts protected during the winter*. Public utilities shall determine the eligibility of an account for termination during the period of December 1 through March 31 under the criteria in subsections (b) and (c) before terminating service. Public utilities are to use household income and size information they have on record provided by customers to identify accounts that are not to be terminated during the period of December 1 through March 31. Public utilities are expected to solicit from customers, who contact the utility in response to notices of termination, household size and income information and to use this information to determine eligibility for termination. PUBLIC UTILITIES WHO INTEND TO REQUIRE VERIFICATION OF HOUSEHOLD INCOME INFORMATION SUBMITTED BY CONSUMERS RELATING TO THIS SUBSECTION SHALL INCLUDE, IN THEIR TARIFFS FILED WITH THE COMMISSION, THE PROCEDURES THEY INTEND TO IMPLEMENT TO OBTAIN VERIFICATION. THE PROCEDURES SHOULD SPECIFY THE PROOF OR EVIDENCE THE UTILITY WILL ACCEPT AS VERIFICATION OF HOUSEHOLD INCOME.

(f) *Landlord ratepayer accounts*. During the period of December 1 through March 31, a public utility may not terminate service to a ~~premise~~ PREMISES when the account is in the name of a landlord ratepayer as defined in 66 Pa. C.S. § 1521 (relating to definitions) except for the grounds in § 56.98 (RELATING TO IMMEDIATE TERMINATION FOR UNAUTHORIZED USE, FRAUD, TAMPERING OR TARIFF VIOLATIONS).

(g) *Right of public utility to petition the Commission for permission to terminate service to a customer protected by the prohibitions in this section.*

(1) The public utility shall comply with §§ 56.91--56.95 including personal contact, as defined in § 56.93[(1)] (relating to personal contact), at the premises if occupied.

(2) If at the conclusion of the notification process defined in §§ 56.91--56.95, a reasonable agreement cannot be reached between the public utility and the [ratepayer] customer, the public utility shall register with the Commission, in writing, a request for permission to terminate service, accompanied by a utility report as defined in § 56.152 (relating to contents of the utility company report). AT THE SAME TIME, THE PUBLIC UTILITY SHALL SERVE THE CUSTOMER A COPY OF THE WRITTEN REQUEST REGISTERED WITH THE COMMISSION.

(3) If the [ratepayer] customer has filed an informal complaint or if the Commission has acted upon the public utility's written request, the matter shall proceed under §§ 56.161--56.165. Nothing in this section may be construed to limit the right of a public utility or [ratepayer] customer to appeal a decision by the [mediation unit]Bureau of Consumer Services (BCS) under 66 Pa.C.S. § 701 (relating to complaints) and §§ 56.171--56.173 and 56.211.

[(4)] (h) *Survey of terminated heat related accounts*.For premises where heat related service has been terminated within the past year for any of the grounds in § 56.81 (relating to authorized termination of services) or § 56.98 (RELATING TO IMMEDIATE TERMINATION FOR UNAUTHORIZED USE, FRAUD, TAMPERING OR TARIFF VIOLATIONS) ~~prior to December 1 of each year~~, [covered]electric distribution utilities, natural gas distribution utilities and Class A water distribution utilities shall, within 90 days prior to December 1, survey and attempt to make [post-termination] ~~posttermination~~ POST-TERMINATION personal contact with the occupant or a responsible adult at the premises and in good faith attempt to reach an agreement regarding payment of any arrearages and restoration of service.

[(5) Companies] (i) *Reporting of survey results.* Electric distribution utilities, natural gas distribution utilities and Class A water distribution utilities shall file a brief report outlining their pre-December 1 survey and personal contact results with the Bureau of Consumer Services on or before December 15 of each year. ~~The filing must categorize the accounts by the first three digits of the customer's postal code.~~ Each utility shall update the survey and report the results to the Bureau of Consumer Services on ~~January 15 and~~ February ~~15~~ 1 of each year to reflect any change in the status of the accounts subsequent to the December 15 filing. FOR THE PURPOSES OF THE FEBRUARY 1 UPDATE OF SURVEY RESULTS, ~~The~~ THE PUBLIC utility shall attempt to contact by telephone, if available, a responsible ADULT PERSON OR occupant at each residence in a good faith attempt to reach an agreement regarding payment of any arrearages and restoration of service.

(j) *Reporting of deaths at locations where public utility service was previously terminated*. Throughout the year, public utilities shall report to the Commission when, in the normal course of business, they become aware of a household fire, incident of hypothermia or carbon monoxide poisoning OR OTHER EVENT that resulted in a death and that the utility service was off at the time of the incident. Within 1 business day of becoming aware of an incident, the public utility shall submit a telephone or electronic report to the Director of the Bureau of Consumer Services including, if available, the name, address and account number of the last customer of record, the date of the incident, a brief statement of the circumstances involved, and, if ~~applicable,~~ AVAILABLE FROM AN OFFICIAL SOURCE OR THE MEDIA, the initial findings as to the cause of the incident and the source of that information. The Bureau or Commission may request additional information on the incident and the customer's account. Information submitted to the Commission in accordance with this subsection will be treated in accordance with 66 Pa.C.S. § 1508 (relating to the reports of accidents) and may not be open for public inspection except by order of the Commission, and may not be admitted into evidence for any purpose in any suit or action for damages growing out of any matter or thing mentioned in the report.

* **The major revision to this section is removing the “heat-related” distinction that was found in the NOPR. The language in the NOPR applied the winter protection rules only to heat-related accounts. This section has now been revised to protect all accounts. This was done in reaction to comments from parties, including IRRC, that questioned the legality of the NOPR proposal.**
* **Paragraph (e) was revised to address situations where a utility wishes to challenge a customer’s claim to being low-income. This was done in response to parties who noted that the NOPR failed to address such situations. The revised language permits a utility to challenge such claims, but requires the utility to note in its tariff what is acceptable verification information.**
* **Paragraph (i) concerning the reporting of cold weather survey results was revised to replace the two follow-up surveys with one. This reflects recent practice and will be easier and less expensive for utilities to implement. The requirement that survey results be reported by postal codes was also eliminated as being something that, while useful, is not necessary and probably not worth the expense and bother.**
* **Paragraph (j) concerning the reporting of deaths has been revised to clarify that utilities only have to report the causes of the incident if the information is available from an official source or the media. The utility is not expected to make such determinations on its own. The requirement was also revised to cover deaths caused by an “other event” as to align it with the Commission’s January 2009 Secretarial Letter and to make sure a death is not overlooked simply because it was not the result of a cause specifically mentioned in the regulation.**

**§ 56.117. Termination upon expiration of medical certification.**

When the initial and renewal certifications have expired, the original ground for termination shall be revived and the public utility may terminate service without additional written notice, if notice previously has been mailed or delivered WITHIN THE PAST 60 DAYS under § 56.91 (relating to general notice provisions and contents of termination notice). The publicutility shall comply with §§ 56.93--56.96.

* **A minor revision in this section specifies that termination may proceed without additional notice as long as a termination notice has been issued within the past 60 days. This is intended to reflect Section 1406(b) language that specifies a 10-day written termination notice is only valid for 60 days.**

**§ 56.152. Contents of the utility company report.**

 (ii) The date on or after which [service will be terminated]~~the utility will commence termination action~~ SERVICE WILL BE TERMINATED in accordance with the applicable requirements unless the report is complied with, [settlement]~~informal dispute settlement agreement~~ or A payment agreement entered or an informal complaint filed. This date may not be earlier than the original date for compliance with the matter which gave rise to the dispute or 10 days from the date of issuance of the utility report, whichever is later. If the utility report is in writing, the information in this paragraph must be ~~presented in a bold font that is at least two font sizes larger than the font used in other sections of the utility report~~ PROMINENTLY DISPLAYED.

* **A minor revision to paragraph (8)(ii) requires that termination threats be “prominently displayed” rather than being in a larger font as specified in the NOPR. This should make this requirement easier and less expensive to implement.**

**§ 56.173. [Formal complaint procedures other than appeals] Review from [mediation] informal complaint decisions of the Bureau of Consumer Services.**

(a) *Assignment*.[Appeals from]Review ofinformal complaint [reports] decisions will be heard [de novo by the Commission, a Commissioner or]DE NOVO by ~~an~~ A [Administrative Law Judge]law judge or special agent[:]**.**

[(1)](b)*Filing and docketing*. [Appeals] ~~Complaints~~ A COMPLAINT will be filed and docketed as a formal Commission complaint, under §§ [5.22 and 5.61 (relating to contents of formal complaint; and answers to complaints, petitions and motions)] 1.31--1.38 (relating to requirements for documentary filings).

[(2)](c)*Captions*. The parties to [an appeal] a review will be stated in the caption as they stood upon the record of the informal complaint proceeding[, with].If the party requesting review isa public utility, the [addition of the] phrase [of]''Complaint Appellant'' will be added after [the]its name [of the party taking the appeal].

[(3)*Hearings*. Hearings conducted by a Commissioner or administrative law judge will be held within a reasonable period of time after the filing of the answer. The parties may incorporate portions of the conference report or informal complaint report that they shall agree upon.

(4) *Formal complaint report*. The Commissioner or administrative law judge assigned to the formal complaint will file his report with the Commission within a reasonable period of time after the receipt of the transcribed testimony. Included in the report will be a description of the matter, findings of fact, conclusions of law and other discussion and opinion as is appropriate.

(5)](D) *HEARINGS*. HEARINGS CONDUCTED BY AN ADMINISTRATIVE LAW JUDGE OR SPECIAL AGENT WILL BE HELD WITHIN A REASONABLE PERIOD OF TIME AFTER THE FILING OF THE ANSWER. THE PARTIES MAY INCORPORATE PORTIONS OF THE CONFERENCE REPORT OR INFORMAL DECISION THAT THEY SHALL AGREE UPON.

(E) *FORMAL COMPLAINT DECISION*. THE ADMINISTRATIVE LAW JUDGE OR SPECIAL AGENT ASSIGNED TO THE FORMAL COMPLAINT WILL ISSUE A DECISION WITHIN A REASONABLE PERIOD OF TIME AFTER THE RECEIPT OF THE TRANSCRIBED TESTIMONY. INCLUDED IN THE DECISION WILL BE A DESCRIPTION OF THE MATTER, FINDINGS OF FACT, CONCLUSIONS OF LAW AND OTHER DISCUSSION AND OPINION AS IS APPROPRIATE.

~~(d)~~ (F)*Commission review*. The Commission will review the [report] decision of the assigned administrative law judge or [Commissioner] special agent, commit it to advisory staff for further analysis, remand it to an administrative law judge or [Commissioner] special agent for further development of the record or issue a final order. The burden of proof remains with the party WHO ~~filing~~ FILED the formal complaint.

* **This section was revised to make it consistent with § 56.174.**

**§ 56.191. ~~General rule~~ PAYMENT AND TIMING.**

[When service to a dwelling has been terminated, the utility shall reconnect service by the end of the first full working day after receiving one of the following:

(1) Full payment of an outstanding charge plus a reasonable reconnection fee. Outstanding charges and the reconnection fee may be amortized over a reasonable period of time. Factors to be taken into account shall include, but are not be limited to:

(i) The size of the unpaid balance.

(ii) The ability of the ratepayer to pay.

(iii) The payment history of the ratepayer.

(iv)The length of time over which the bill accumulated.

(2) Payment of amounts currently due according to a settlement or payment agreement, plus a reasonable reconnection fee, which may be a part of the settlement or payment agreement. The utility may apply the procedure in paragraph (1), if the payment history indicates that the ratepayer has defaulted on at least two payment agreements, or an informal complaint decision, or a formal complaint order.

(3) Adequate assurances that any unauthorized use or practice will cease, plus full payment of the reasonable reconnection fee of the utility, which may be subject to a payment agreement and compliance or adequate assurance of compliance with an applicable provision for the establishment of credit or the posting of deposits or guarantees.]

(a) *Fee*. A public utility may require a reconnection fee based upon the public utility's cost as approved by the Commission prior to reconnection of service following lawful termination of the service. The amount of this fee shall be specified in the public utility's tariff on file with the Commission.

(b) *Timing*. When service to a dwelling has been terminated, ~~provided the applicant OR CUSTOMER has met all applicable conditions,~~ the public utility shall reconnect service as follows:

(1) *CUSTOMERS*:

(I) Within 24 hours for erroneous terminations or upon receipt by the public utility of a valid medical certification. ~~THE MEDICAL CERTIFICATE MUST BE ACCOMPANIED BY THE PAYMENTS REQUIRED BY THIS SECTION.~~ Erroneous terminations include instances when the grounds for termination were removed by the customer paying the amount needed to avoid termination prior to the termination of the service.

~~(2)~~ (II) Within 24 hours for terminations and reconnections occurring after November 30 and before April 1.

~~(3)~~ (III) Within 3 calendar days for erroneous terminations requiring street or sidewalk digging.

~~(4)~~ (IV) Within 3 calendar days from April 1 to November 30 for proper terminations.

~~(5)~~ (V) Within 7 calendar days for proper terminations requiring street or sidewalk digging.

(2) *APPLICANTS:* PROVIDED THE APPLICANT HAS MET ALL APPLICABLE CONDITIONS:

(I), WITHIN 24 HOURS FOR ERRONEOUS TERMINATIONS OR UPON RECEIPT BY THE PUBLIC UTILITY OF A VALID MEDICAL CERTIFICATION. THE PUBLIC UTILITY IS NOT REQUIRED TO MODIFY OR ELIMINATE THE PAYMENT REQUIRED TO RESTORE SERVICE IF A MEDICAL CERTIFICATE IS PRESENTED. ERRONEOUS TERMINATIONS INCLUDE INSTANCES WHEN THE GROUNDS FOR TERMINATION WERE REMOVED BY THE CUSTOMER PAYING THE AMOUNT NEEDED TO AVOID TERMINATION PRIOR TO THE TERMINATION OF THE SERVICE.

(II) WITHIN 24 HOURS FOR TERMINATIONS AND RECONNECTIONS OCCURRING AFTER NOVEMBER 30 AND BEFORE APRIL 1.

(III) WITHIN 3 CALENDAR DAYS FOR ERRONEOUS TERMINATIONS REQUIRING STREET OR SIDEWALK DIGGING.

(IV) WITHIN 3 CALENDAR DAYS FROM APRIL 1 TO NOVEMBER 30 FOR PROPER TERMINATIONS.

(V) WITHIN 7 CALENDAR DAYS FOR PROPER TERMINATIONS REQUIRING STREET OR SIDEWALK DIGGING.

(c) *Payment to restore service*.

(1) A public utility shall provide for and inform the applicant or customer of a location where the customer can make payment to restore service. A public utility shall inform the applicant or customer that conditions for restoration of service may differ if someone in the household is a victim of domestic violence with a protection from abuse order. A PUBLIC UTILITY SHALL ALSO INFORM THE APPLICANT OR CUSTOMER THAT THE TIMING AND CONDITIONS FOR RESTORATION OF SERVICE MAY DIFFER IF SOMEONE IN THE HOUSEHOLD IS SERIOUSLY ILL OR AFFECTED BY A MEDICAL CONDITION WHICH WILL BE AGGRAVATED WITHOUT UTILITY SERVICE. ~~THE PUBLIC UTILITY IS NOT REQUIRED TO MODIFY OR ELIMINATE THE PAYMENT REQUIRED TO RESTORE SERVICE IF A MEDICAL CERTIFICATE IS PRESENTED.~~

(2) A public utility may require:

(i) Full payment of any outstanding balance incurred together with any reconnection fees by the customer or applicant prior to reconnection of service if the customer or applicant has an income exceeding 300% of the Federal poverty level or has defaulted on two or more payment agreements. For purposes of this section, neither a payment agreement intended to amortize a make-up bill under § 56.14 (relating to previously unbilled utility service) or the definition of ''billing month'' in § 56.2 (relating to definitions), nor a payment agreement that has been paid in full by the customer, are to be considered A DEFAULT. BUDGET BILLING PLANS AND AMORTIZATION OF BUDGET PLAN RECONCILIATION AMOUNTS UNDER § 56.12(7) (RELATING TO METER READING; ESTIMATED BILLINGS; CUSTOMER READINGS) MAY NOT BE CONSIDERED A DEFAULT FOR THE PURPOSES OF THIS SECTION.

(ii) If a customer or applicant with household income exceeding 300% of the Federal poverty level experiences a life event, the customer shall be permitted a period of not more than 3 months to pay the outstanding balance required for reconnection. For purposes of this paragraph, a life event is:

(A) A job loss that extends beyond 9 months.

(B) A serious illness that extends beyond 9 months.

(C) Death of the primary wage earner.

(iii) Full payment of any reconnection fees together with repayment over 12 months of any outstanding balance incurred by the customer or applicant, if the customer or applicant has an income exceeding 150% of the Federal poverty level but not greater than 300% of the Federal poverty level. The initial payment REQUIRED toward the outstanding balance ~~required~~ as a condition of restoration cannot exceed 1/12 of the outstanding balance.

(iv) Full payment of any reconnection fees together with payment over 24 months of any outstanding balance incurred by the customer or applicant if the customer or applicant has an income not exceeding 150% of the Federal poverty level. The initial payment REQUIRED toward the outstanding balance ~~required~~ as a condition of restoration cannot exceed 1/24 of the outstanding balance. A customer or applicant of a city natural gas distribution operation whose household income does not exceed 135% of the Federal poverty level shall be reinstated under this subsection only if the customer or applicant enrolls in the customer assistance program of the city natural gas distribution operation. This requirement may not apply if the financial benefits to the customer or applicant are greater if served outside of that assistance program.

(d) *Payment of outstanding balance at premises AS A CONDITION TO RESTORE SERVICE*. A public utility may require the payment of any outstanding balance or portion of an outstanding balance if the applicant OR CUSTOMER resided at the property for which service is requested during the time the outstanding balance accrued and for the time the applicant OR CUSTOMER resided there, not exceeding 4 years PRIOR TO THE DATE OF REQUESTING THAT SERVICE BE RESTORED~~, except for instances of fraud and theft~~. THE 4 YEAR LIMIT DOES NOT APPLY IN INSTANCES OF FRAUD AND THEFT.

(e) *Approval*. A public utility may establish that an applicant OR CUSTOMER previously resided at a property for which residential service is requested through the use of mortgage, deed or lease information, a commercially available consumer credit reporting service or other methods approved as valid by the Commission. Public utilities shall include in their tariffs filed with the Commission the ~~procedures and standards~~ METHODS, OTHER THAN THOSE SPECIFICALLY MENTIONED IN THIS PARAGRAPH, used to determine liability for outstanding balances.

* **Paragraph (b) was revised to clarify the use of medical certificates to restore terminated service for customers and applicants, and to distinguish the different standards for these two groups.**
* **Paragraph (c)(1) was revised to require the utility to inform terminated customers of medical certificate rights. This is intended to allow effective implementation of the requirement at Section 1407(b)(1) that service be restored within 24 hours for a medical certificate.**
* **Paragraph (c)(2)(i) was revised to specify more amortization plans, including budget billing plans, that should not be considered as a “payment agreement” when a utility is applying the provision that allows the utility to require the full account balance if a customer has defaulted on two payment agreements. This was done in reaction to comments that found the NOPR proposal helpful but incomplete.**
* **Paragraph (d) was revised to exclude from the 4-year limit on liability determinations any amounts that accrued due to theft and fraud.**
* **Paragraph (e) was revised to require that utilities only tariff those standards for liability determinations that are not specifically mentioned in the regulation.**

**§ 56.201. Public information.**

(A) In addition to the notice requirements [set forth] in this chapter, the Commission will, within 6 months of the effective date of a change to a regulation in this chapter, prepare a summary of the rights and responsibilities of the public utility and its [ratepayers] customers affected by the change. Summaries [shall] will be mailed by the public utility to each [ratepayer] customer of the public utility affected by the change. These summaries, as well as a summary of the rights and responsibilities of the public utility and its [ratepayers] customers in accordance with this chapter, shall be in writing, shall be reproduced by the public utility, shall be displayed prominently, SHALL BE AVAILABLE ON THE PUBLIC UTILITY’S WEBSITE IF THE UTILITY HAS ONE, and shall be available at all public utility office locations open to the general public. ~~This information be delivered or mailed to each new [ratepayer] customer of the public utility upon the commencement of service and be available at all times upon request.~~ THE PUBLIC UTILITY SHALL INFORM NEW CUSTOMERS OF THE AVAILABILITY OF THIS INFORMATION AND DIRECT WHERE TO LOCATE IT ON THE PUBLIC UTILITY’S WEBSITE. THE PUBLIC UTILITY SHALL DELIVER OR MAIL A COPY UPON THE REQUEST OF A CUSTOMER OR APPLICANT.

* **This section was revised to permit utilities to place their “rights and responsibilities” information on their website as opposed to having to mail hard copies to all new customers. This will save paper, printing, handling and postage costs.**

**§ 56.231. Reporting requirements.**

(17) The total number of reconnections for full customer payment, PARTIAL PAYMENT OR PAYMENT AGREEMENT. ~~Categorize into one of five groups based upon the customer's relation to the Federal poverty guidelines:~~

~~(i) Less than 150% of the Federal poverty guideline.~~

~~(ii) Between 151--250% of the Federal poverty guideline.~~

~~(iii) Between 251--300% of the Federal poverty guideline.~~

~~(iv) Greater than 300% of the Federal poverty guideline.~~

~~(v) Not available.~~

~~(18) The total number of reconnections for partial customer payment or payment agreement. Categorize into one of five groups based upon the customer's relation to the Federal poverty guidelines:~~

~~(i) Less than 150% of the Federal poverty guideline.~~

~~(ii) Between 151--250% of the Federal poverty guideline.~~

~~(iii) Between 251--300% of the Federal poverty guideline.~~

~~(iv) Greater than 300% of the Federal poverty guideline.~~

~~(v) Not available.~~

~~(19)~~ (18) The total number of reconnections for customer submission of medical certification. ~~Categorize into one of five groups based upon the customer's relation to the Federal poverty guidelines:~~

~~(i) Less than 150% of the Federal poverty guideline.~~

~~(ii) Between 151--250% of the Federal poverty guideline.~~

~~(iii) Between 251--300% of the Federal poverty guideline.~~

~~(iv) Greater than 300% of the Federal poverty guideline.~~

~~(v) Not available.~~

~~(20)~~ (19) The total number of reconnections for reasons other than customer payment or medical certification. ~~Categorize into five groups based upon the customer's relation to the Federal poverty guidelines:~~

~~(i) Less than 150% of the Federal poverty guideline.~~

~~(ii) Between 151--250% of the Federal poverty guideline.~~

~~(iii) Between 251--300% of the Federal poverty guideline.~~

~~(iv) Greater than 300% of the Federal poverty guideline.~~

~~(v) Not available.~~

~~(21)~~ (20) The total number of applicants that are requested TO PAY or ARE billed a security deposit.

* **Paragraphs 17 – 20 were revised by removing the requirement that reconnection data be submitted according to federal poverty level. Some comments objected to the cost and usefulness of this information. Eliminating this requirement will make meeting these requirements easier. This data is also not entirely necessary, especially since termination data (lines 14-16) is not reported by federal poverty level.**

**§ 56.252. Definitions.**

* **Most of the definitions “added” to this section were in fact in the NOPR as adopted by the Commission. They were omitted by the *Pennsylvania Bulletin*. We are merely adding them back in.**

**§ 56.261. Billing frequency.**

(a) A utility shall render a bill once every billing period to every residential customer in accordance with approved rate schedules.

(b) A utility may utilize electronic billing in lieu of mailed paper bills. Electronic billing programs must include the following:

(1) The electronic billing option is voluntary and ~~the customer retains the option of continuing to receive a paper bill if desired~~ ONLY WITH THE PRIOR CONSENT OF THE CUSTOMER. The customer retains the right to revert to conventional paper billings upon request. The customer shall provide the utility with a 1 ~~month~~ BILLING CYCLE notice of a request to revert to paper billing.

(2) A customer shall receive ~~a visual presentation of an electronic bill in the same format as~~ the SAME INFORMATION THAT IS INCLUDED WITH A paper bill issued by the utility.

(3) The electronic bill must include the same disclosures and ~~required~~ educational messages that are required for paper bills. The electronic transmission of termination notices may not be permitted UNLESS THE CUSTOMER HAS AFFIRMATIVELY CONSENTED TO THIS METHOD OF DELIVERY. THE ELECTRONIC DELIVERY OF A TERMINATION NOTICE DOES NOT RELIEVE THE PUBLIC UTILITY OF THE OBLIGATION TO PROVIDE TERMINATION NOTICES AS REQUIRED BY §§ 56.331 – 56.338.

(4) The electronic bill must include all required bill inserts in an easily accessed and easily readable format.

(5) The electronic bill must include the option for the customer to contribute to the utility's hardship fund IF THE UTILITY IS ABLE TO ACCEPT HARDSHIP FUND CONTRIBUTIONS BY THIS METHOD.

(6) A customer may not be required to pay an additional fee to receive an electronic bill.

(7) The utility shall maintain a system to ~~ensure delivery of~~ DELIVER electronic bills if the bill is emailed to a customer.

(8) The utility shall ~~maintain sufficient system security to assure customer privacy~~ EMPLOY ALL REASONABLE MEASURES TO PROTECT CUSTOMER INFORMATION FROM UNAUTHORIZED DISCLOSURE AND TO PREVENT ACCESS TO CUSTOMER ACCOUNT RECORDS BY PERSONS WHO ARE NOT PROPERLY AUTHORIZED TO HAVE SUCH ACCESS.

* **Paragraph (1) is being revised to eliminate the requirement that utilities provide both hard copy *and* electronic bills to a customer if the customer requests because this proposal was seen as unnecessary and costly. Paragraph (2) was also revised to loosen the formatting requirements as to give utility greater flexibility in formatting electronic bills.**

 **§ 56.262. Meter reading; estimated billing; customer readings.**

 (7) *Budget billing*. A gas, electric and steam heating utility shall provide its residential customers, on a year-round rolling enrollment basis, with an optional billing procedure which averages estimated utility service costs over a 10-month, 11-month or 12-month period to eliminate, to the extent possible, seasonal fluctuations in utility bills. The utility shall review accounts at least three times during the optional billing period. AT THE CONCLUSION OF THE BUDGET BILLING YEAR, ANY ~~Any~~ resulting reconciliation amount exceeding ~~$25~~ $100 BUT LESS THAN $300 shall be, AT THE REQUEST OF THE CUSTOMER, amortized over a ~~3--12~~ **6** month period. RECONCILIATION AMOUNTS EXCEEDING $300 SHALL BE AMORTIZED OVER AT LEAST A 12 MONTH PERIOD AT THE REQUEST OF THE CUSTOMER. ~~Payment agreements for heating customers are to be based upon equal monthly billing.~~

* **The amortization requirement in paragraph (7) was made less burdensome for the utility by making the circumstances under which amortization is required more restrictive. Amortization timeframes were also shortened, and is required only at the request of the customer.**

**§ 56.272. Accrual of late payment charges.**

(a) Every utility subject to this chapter is prohibited from levying or assessing a late charge or penalty on any overdue utility bill, as defined in § 56.271 (relating to payment), in an amount which exceeds 1.5% interest per month on the overdue balance of the bill. These charges are to be calculated on the overdue portions of the bill only. The interest rate, when annualized, may not exceed 18% simple interest per annum.

(b) An additional charge or fixed fee designed to recover the cost of a subsequent rebilling may not be charged by a regulated utility.

(c) Late payment charges may not be imposed on disputed estimated bills, unless the estimated bill was required because utility personnel were willfully denied access to the affected premises to obtain an actual meter reading.

(d) A public utility may waive late payment charges on any customer accounts.

~~(e) Additional late payment charges may not be assessed on account balances once the account is no longer actively billed by the utility.~~

* **The proposed paragraph (e) has been removed based on comments received that indicated the provision was confusing and not necessary. The original intent was to prevent a utility from imposing additional late charges on an account without issuing a bill for the charges.**

**§ 56.275. Electronic bill payment.**

A utility may offer electronic payment options. Electronic payment programs must include the following requirements:

(1) Electronic bill payment shall be voluntary and ~~may not be required in conjunction with electronic billing~~ A UTILITY MAY NOT REQUIRE A CUSTOMER TO ENROLL IN ELECTRONIC BILL PAYMENT AS A CONDITION FOR ENROLLING IN ELECTRONIC BILLING.

(2) For electronic bill payment through a charge to a customer's credit card or automatic withdrawal from a customer's ~~checking~~ FINANCIAL account, the program must set forth the date (or number of days after issuance of the bill) when the automatic payment shall be made.

(3) The terms of the payment procedures shall be fully disclosed to the customer in writing, EITHER BY MAIL OR ELECTRONICALLY before the customer enters the program. Program changes shall be conveyed to the customer in writing, EITHER MY MAIL OR ELECTRONICALLY and the customer shall be given an opportunity to withdraw from the program if the customer does not wish to continue under the new terms.

(4) The utility shall provide a receipt, OR A CONFIRMATION, TRANSACTION OR REFERENCE NUMBER, either electronically or on paper, to the customer upon payment through the electronic method. THIS REQUIREMENT DOES NOT APPLY IF THE PAYMENT METHOD IS THROUGH A PRE-AUTHORIZED AUTOMATED DEBIT FROM A CUSTOMER’S FINANCIAL ACCOUNT.

(5) The utility shall ~~maintain sufficient system security to protect all customer information and all access to customer accounts~~ EMPLOY ALL REASONABLE MEASURES TO PROTECT CUSTOMER INFORMATION FORM UNAUTHORIZED DISCLOSURE AND TO PREVENT ACCESS TO CUSTOMER ACCOUNT RECORDS BY PERSONS WHO ARE NOT PROPERLY AUTHORIZED TO HAVE SUCH ACCESS.

* **Paragraph (3) was revised to allow the electronic provision of terms and procedures to the customer instead of requiring them in writing. This should save on paper, printing, handling and postal costs.**
* **Paragraph (4) was revised to remove the receipt requirement in instances when the payment is automatically debited from a customer’s account through a pre-authorized agreement. This was based on comments pointing out that these types of transactions have been going on for many years and that in these cases it is the financial institution that provides receipt and tracking information to the customer.**

**§ 56.287. General rule.**

Once an applicant's application for service is accepted by the utility, the utility shall MAKE A BONA FIDE ATTEMPT TO provide service within 3 BUSINESS days, provided that the applicant has met all REGULATORY requirements. A longer time frame is permissible with the consent of the applicant. If the investigation and determination of credit status is expected to take or in fact takes longer than 3 business days commencing the date after the application is made, the utility shall provide service pending completion of the investigation. IF THE UTILITY CANNOT PROVIDE SERVICE BY THE TIMEFRAMES SPECIFIED BY THIS PARAGRAPH, THEY SHALL INFORM THE CUSTOMER OF THIS FACT AND PROVIDE A REASONABLE ESTIMATE OF WHEN SERVICE WILL BE PROVIDED. THESE REQUIREMENTS DO NOT APPLY TO NEW SERVICE INSTALLATIONS AND SERVICE EXTENSIONS THAT REQUIRE CONSTRUCTION OF FACILITIES TO PROVIDE THE UTILITY SERVICE.

* **This section was revised to make clearer that: only a bona fide attempt at providing service is required; that the 3-day limit refers to business days; that seven days is permissible if digging is required; and that none of these limits apply if the construction of facilities is involved. This was done based on utility comments asking for more clarity.**

**§ 56.312. ~~Discontinuation~~ DISCONTINUANCE of service.**

A utility may discontinue service without prior written notice under the following circumstances:

(1) *Customer's residence*. When a customer requests a discontinuance at ~~his~~ THE CUSTOMER’S residence, when the customer and members of the household are the only occupants, ~~if the account is listed in multiple customer names and the utility receives a request for discontinuance from just one or more of the customers listed, but not all the customers listed, the customer requesting discontinuance shall state that all the occupants meeting the definition of ''customer'' consent to the cessation of service. If consent is not provided, the utility, at least 3 days prior to the proposed discontinuance, shall conspicuously post notice of termination at the affected premises~~.

* **The language in paragraph (1) was proposed to address situations where discontinuance is requested for an account that is in multiple names (something that may occur more frequently with Chapter 14 liability rules). However, based on a review of the comments, handling these situations is probably best left to the management discretion of the utility. Many different scenarios are possible and creating regulations that would address most of these could be unwieldy and possibly unworkable.**

**§ 56.331. General notice provisions and contents of termination notice.**

(a) Prior to a termination of service, the utility shall mail or deliver written notice to the customer at least 10 days prior to the date of the proposed termination. In the event of A user without contract as defined in § 56.252 (relating to definitions), the utility shall comply with §§ 56.333--56.337, but need not ~~otherwise~~ provide notice 10 days prior to termination.

(b) A notice of termination must include, in conspicuous print, clearly and fully the following information when applicable:

(1) The reason for the proposed termination.

(2) An itemized statement of ~~accounts~~ AMOUNTS currently due, including any required deposit.

(3) A statement that a ~~specific~~ reconnection fee will be required to have service restored after it has been terminated if a reconnection fee is a part of the tariff of the utility on file with the Commission. THE STATEMENT MUST INCLUDE THE MAXIMUM POSSIBLE DOLLAR AMOUNT OF THE RECONNECTION FEE THAT MAY APPLY.

(4) The date on or after which service will be terminated unless ONE OF THE FOLLOWING OCCURS:

(i) Payment in full is received.

(ii) The grounds for termination are otherwise eliminated.

(iii) A payment agreement ~~or informal dispute settlement agreement~~ is ~~entered~~ ESTABLISHED.

(iv) Enrollment is made in a ~~universal service~~ CUSTOMER ASSISTANCE program OR ITS EQUIVALENT, IF THE CUSTOMER IS ELIGIBLE FOR THE PROGRAM.

(v) A dispute is filed with the utility or the Commission.

(VI) PAYMENT IN FULL OF AMOUNTS PAST DUE ON THE MOST RECENT PAYMENT AGREEMENT IS RECEIVED.

(5) A statement that the customer ~~shall~~ SHOULD immediately contact the utility to attempt to resolve the matter~~, including~~. THE STATEMENT SHALL INCLUDE the address and telephone number where questions may be ~~filed~~ ASKED, HOW payment agreements MAY BE NEGOTIATED AND entered into with the utility, and ~~questions and applications can be found for~~ WHERE APPLICATIONS CAN BE FOUND AND SUBMITTED FOR ENROLLMENT INTO the utility's universal service programs, if these programs are offered by the utility.

(6) The following statement: ''If YOU HAVE QUESTIONS OR NEED MORE INFORMATION, CONTACT US AS SOON AS POSSIBLE AT (UTILITY PHONE NUMBER)~~,~~. AFTER ~~discussing your problem with the utility~~ YOU TALK TO US, ~~you remain dissatisfied,~~ IF YOU ARE NOT SATISFIED, you may file ~~an informal~~ A complaint with the Public Utility Commission. ~~TO AVOID TERMINATION OF SERVICE PENDING RESOLUTION OF A DISPUTE, THIS INFORMAL COMPLAINT MUST BE FILED BEFORE THE PROPOSED DATE FOR TERMINATION OF YOUR SERVICE.~~ THE PUC MAY DELAY THE SHUT OFF IF YOU FILE THE COMPLAINT BEFORE THE SHUT OFF DATE. ~~You may file an informal complaint by telephoning the Public Utility Commission at~~ TO CONTACT THEM, CALL (800) 692-7380 or ~~by writing~~ WRITE to the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, Pennsylvania 17105-3265.''

(7) A serious illness notice in compliance with the form as set forth in Appendix A (relating to medical emergency notice) except that, for the purpose of § 56.336 (relating to ~~posttermination~~ POST TERMINATION notice), the notice must ~~substantially~~ comply with the form ~~as set forth~~ in Appendix B (relating to medical emergency notice).

(8) ~~When~~ IF the utility has universal service programs, information indicating that special assistance programs ~~are~~ MAY BE available and how to contact the utility for information and enrollment, and that enrollment in the program ~~is~~ MAY BE a method of avoiding the termination of service.

(9) Information indicating that special protections are available for victims under a Protection From Abuse Order and how to contact the utility to obtain more information on these protections.

(10) Information indicating that special protections are available for tenants if the landlord is responsible for paying the utility bill and how to contact the utility to obtain more information on these protections.

(11) Information indicating that if service is shut off, the customer may be required to pay more than the amount listed on the notice to have service turned back on.

(12) Information indicating that if service is shut off, the customer shall contact the utility after payment has been made to arrange reconnection of the service.

(13) Information in Spanish, directing Spanish-speaking customers to the numbers to call for information and translation assistance. Similar information shall be included in other languages when census data indicates ~~a significant population~~ THAT FIVE PERCENT OR MORE OF THE RESIDENTS OF THE UTILITY’S SERVICE TERRITORY ARE using that language ~~resides in the public utility's service territory~~.

(14) Contact information for customers with disabilities that need assistance.

~~(15) Notices should reflect to the extent practical the plain language guidelines found in § 69.251 (relating to plain language--statement of policy).~~

* **Most of the revisions to this section are non-substantive language changes to make it more “plain language.” However, paragraph (4)(VI) is new and intended to reflect the *Second Implementation* Order. Paragraph (13) was also revised to clarify that the requirement that information in additional languages is only necessary if a five percent threshold is reached. This was done in reaction to comments that the NOPR proposal was impermissibly vague.**

 **§ 56.333. Personal contact.**

(a) Except when authorized under §§ 56.311, 56.312 or 56.338 (relating to interruption of service; discontinuation of service; and exception for terminations based on occurrences harmful to person or property), a utility may not interrupt, discontinue or terminate service without personally contacting the customer or a responsible adult occupant at least 3 days prior to the interruption, discontinuance or termination, in addition to providing other notice as specified by the properly filed tariff of the utility or as required by this chapter or other Commission directive.

(b) For purposes of this section, ''personal contact'' means:

(1) Contacting the customer or responsible adult occupant in person or by telephone. Phone contact shall be deemed complete upon attempted calls on 2 separate days to the residence between ~~7~~ **8** a.m. and 9 p.m. if the calls were made at various times each day, with the various times of the day being daytime before 5 p.m. and evening after 5 p.m. and at least 2 hours apart. CALLS MADE TO CONTACT TELEPHONE NUMBERS PROVIDED BY THE CUSTOMER SHALL BE DEEMED TO BE CALLS TO THE RESIDENCE.

(2) If contact is attempted in person by a home visit, only one attempt is required, but the utility shall conspicuously post a written termination notice at the residence if it is unsuccessful in attempting to personally contact a responsible adult occupant.

(3) Contacting another person whom the customer has designated to receive a copy of a notice of termination, other than a member or employee of the Commission.

(4) If the customer has not made the designation noted in paragraph (3), contacting a community interest group or other entity, including a local police department, which previously shall have agreed to receive a copy of the notice of termination and to attempt to contact the customer.

(5) If the utility is not successful in establishing personal contact as noted in paragraphs (1) and (2) and the customer has not made the designation noted in paragraph (3) and if there is no community interest group or other entity which previously has agreed to receive a copy of the notice of termination, contacting the Commission in writing.

(c) The content of the 3-day personal contact notice must ~~comply with § 56.331 (relating to general notice provisions and contents of termination notice)~~ INCLUDE THE DATE AND GROUNDS OF THE TERMINATION; WHAT IS NEEDED TO AVOID THE TERMINATION OF SERVICE; HOW TO CONTACT THE PUBLIC UTILITY AND THE COMMISSION; AND THE AVAILABILITY OF THE EMERGENCY MEDICAL PROCEDURES. THE PUBLIC UTILITY SHALL ALSO ASK THE CUSTOMER OR OCCUPANT IF THEY HAVE ANY QUESTIONS ABOUT THE 10-DAY WRITTEN NOTICE THEY PREVIOUSLY PROVIDED.

* **Paragraph (c) was revised in reaction to comments that the NOPR proposal would be too expensive and impractical to implement. The revision changes the requirement to focus on a few, critical pieces of information that the customer needs. This will make the requirement easier to implement, less expensive, and more beneficial for the customer in that it will put the focus on the critical information.**

 **§ 56.337. Procedures upon customer or occupant contact prior to termination.**

 (b) The utility, through its employees, shall exercise good faith and fair judgment in attempting to enter a reasonable ~~informal dispute settlement agreement or~~ payment agreement or otherwise equitably resolve the matter. Factors to be taken into account when attempting to enter into a reasonable informal dispute settlement agreement or payment agreement include the size of the unpaid balance, the ability of the customer to pay, the payment history of the customer and the length of time over which the bill accumulated. PAYMENT AGREEMENTS FOR HEATING CUSTOMERS SHALL BE BASED UPON BUDGET BILLING AS DETERMINED BY § 56.12(7) (RELATING TO METER READING; ESTIMATED BILLING; CUSTOMER READINGS). If ~~an informal dispute settlement agreement or~~ A payment agreement is not established, the company shall further explain the following:

* **The revision to paragraph (b) concerning budget billing is the result of moving this requirement from § 56.262(7) (as proposed in the NOPR) to this section. This was based on comments that suggested payment agreement requirements are more appropriately placed in § 56.337 than in § 56.262 (which addresses meter reading primarily).**

**§ 56.340. Winter termination procedures.**

Notwithstanding ~~another~~ ANY provision of this chapter, during the period of December 1 through March 31, utilities subject to this ~~chapter~~ SUBCHAPTER shall conform to the provisions of this section. The covered utilities may not ~~be permitted to~~ terminate ~~heat related~~ service between December 1 and March 31 except as provided in this section or in § 56.338 (relating to exception for terminations based on occurrences harmful to person or property).

(1) *Termination notices*. The utility shall comply with §§ 56.331--56.335 including personal contact, as defined in § 56.333 (relating to personal contact), at the premises if occupied.

(2) *Request for permission to terminate service*. If at the conclusion of the notification process defined in §§ 56.331--56.335, a reasonable agreement cannot be reached between the utility and the customer, the utility shall register with the Commission, in writing, a request for permission to terminate service, accompanied by a utility report as defined in § 56.382 (relating to contents of the utility company report). AT THE SAME TIME, THE UTILITY SHALL SERVE THE CUSTOMER A COPY OF THE WRITTEN REQUEST REGISTERED WITH THE COMMISSION.

(3) *Informal complaints*. If the customer has filed an informal complaint or if the Commission has acted upon the utility's written request, the matter shall proceed under §§ 56.391--56.394 (relating to informal complaint procedures). Nothing in this section may be construed to limit the right of a utility or customer to appeal a decision by the Bureau of Consumer Services (BCS) under 66 Pa. C.S. § 701 (relating to complaints) and §§ 56.401--56.403 and 56.441.

(4) *Survey of premises previously terminated*. For premises where heat related service has been terminated prior to December 1 of each year, covered utilities shall, within 90 days prior to December 1, survey and attempt to make ~~posttermination~~ POST TERMINATION personal contact with the occupant or a responsible adult at the premises and in good faith attempt to reach an agreement regarding payment of any arrearages and restoration of service.

(5) *Reporting of survey results*. Utilities subject to this ~~chapter~~ SUBCHAPTER shall file a brief report outlining their pre-December 1 survey and personal contact results with the BCS on or before December 15 of each year. ~~The filing must categorize the accounts by the first three digits of the customer's postal code.~~ Each utility shall update the survey and report the results to the BCS on ~~January 15 and~~ February ~~15~~ **1** of each year to reflect any change in the status of the accounts subsequent to the December 15 filing. FOR THE PURPOSES OF THE FEBRUARY 1 UPDATE OF SURVEY RESULTS, ~~The~~ THE utility shall attempt to contact by telephone, if available, a responsible ADULT PERSON OR occupant at each residence in a good faith attempt to reach an agreement regarding payment of any arrearages and restoration of service.

(6) *Landlord ratepayer accounts*. During the period of December 1 through March 31, a utility subject to this ~~chapter~~ SUBCHAPTER may not terminate service to a ~~premise~~ PREMISES when the account is in the name of a landlord ratepayer as defined at 66 Pa. C.S. § 1521 (related to definitions) except for the grounds in § 56.338 (RELATING TO EXCEPTION FOR TERMINATIONS BASED ON OCCURRENCES HARMFUL TO PERSON OR PROPERTY).

(7) *Reporting of deaths at locations where utility service was previously terminated*. Throughout the year, utilities subject to this ~~chapter~~ SUBCHAPTER shall report to the Commission when, in the normal course of business, they become aware of a household fire, incident of hypothermia or carbon monoxide poisoning OR ANOTHER EVENT that resulted in a death and that the utility service was off at the time of the incident. Within 1 working day of becoming aware of an incident, the utility shall submit a telephone or electronic report to the Director of the BCS including, if available, the name, address and account number of the last customer of record, the date of the incident, a brief statement of the circumstances involved, and, if ~~applicable~~ AVAILABLE FROM AN OFFICIAL SOURCE OR THE MEDIA, the initial findings as to the cause of the incident and the source of that information. The BCS or Commission may request additional information on the incident and the customer's account. Information submitted to the Commission in accordance with this paragraph shall be treated in accordance with 66 Pa. C.S. § 1508 (relating to the reports of accidents) and may not be open for public inspection except by order of the Commission, and may not be admitted into evidence for any purpose in any suit or action for damages growing out of any matter or thing mentioned in the report.

* **The major revision to this section is removing the “heat-related” distinction that was found in the NOPR. The language in the NOPR applied the winter protection rules only to heat-related accounts. This section has now been revised to protect all accounts. This was done in reaction to comments from parties, including IRRC, that questioned the legality of the NOPR proposal.**
* **Paragraph (5) concerning the reporting of cold weather survey results was revised to replace the two follow-up surveys with one. This reflects recent practice and will be easier and less expensive for utilities to implement. The requirement that survey results be reported by postal codes was also eliminated as being something that, while useful, is not necessary and probably not worth the expense and bother.**
* **Paragraph (7) concerning the reporting of deaths has been revised to clarify that utilities only have to report the causes of the incident if the information is available from an official source or the media. The utility is not expected to make such determinations on its own. The requirement was also revised to cover deaths caused by an “other event” as to align it with the Commission’s January 2009 Secretarial Letter and to make sure a death is not overlooked simply because it was not the result of a cause specifically mentioned in the regulation.**

 **§ 56.351. General provision.**

A utility may not terminate service, or refuse to restore service, to a premises when a licensed physician or nurse practitioner has certified that the customer or an applicant seeking ~~restoration~~ RECONNECTION of PREVIOUSLY TERMINATED service under § 56.421 (relating to general rule) or a member of the customer's or applicant's household is seriously ill or afflicted with a medical condition that will be aggravated by cessation of service. The customer shall obtain a letter from a licensed physician or nurse practitioner verifying the condition and shall promptly forward it to the utility. The determination of whether a medical condition qualifies for the purposes of this section resides entirely with the physician or nurse practitioner and not with the utility. A utility may not impose any qualification standards for medical certificates other than those listed in this section.

* **A minor revision in this section clarifies that it is only applicants seeking reconnection of previously terminated service that are eligible for medical certificates; rather than *all* applicants. For example, this would exclude applicants seeking to establish new service and trying to circumvent the credit screening at §56.282.**

**§ 56.357. Termination upon expiration of medical certification.**

When the initial and renewal certifications have expired, the original ground for termination shall be revived and the utility may terminate service without additional written notice, if notice previously has been mailed or delivered WITHIN THE PAST 60 DAYS under § 56.331 (relating to general notice provisions and contents of termination notice). The utility shall comply with §§ 56.333--56.336.

* **A minor revision in this section specifies that termination may proceed without additional notice as long as a termination notice has been issued within the past 60 days. This is intended to reflect Section 1406(b) language that specifies a 10-day written termination notice is only valid for 60 days and to provide this same protection to customers with a PFA.**

 **§ 56.382. Contents of the utility company report.**

 (ii) The date on or after which ~~the utility will commence termination action~~ SERVICE WILL BE TERMINATED in accordance with the applicable requirements unless the report is complied with~~, informal dispute settlement agreement~~ or payment agreement entered or an informal complaint filed. This date may not be earlier than the original date for compliance with the matter which gave rise to the dispute or 10 days from the date of issuance of the utility report, whichever is later. If the utility report is in writing, the information in this paragraph shall be ~~presented in a bold font that is at least 2 font sizes larger than the font used in other sections of the utility report~~ PROMINENTLY DISPLAYED.

* **A minor revision to paragraph (8)(ii) requires that termination threats only be “prominently displayed” rather than in a larger font as specified in the NOPR. This should make this requirement easier and less expensive to implement.**

 **§ 56.403. Review from informal complaint decisions of the Bureau of Consumer Services.**

(a) *Assignment*. Review of informal complaint decisions will be heard DE NOVO by an administrative law judge or special agent.

(b) *Filing and docketing*. ~~Complaints~~ A COMPLAINT will be filed and docketed as a formal Commission complaint, under §§ 1.31--1.38 (relating to REQUIREMENTS FOR documentary filings).

(c) *Captions*. The parties to A review will be stated in the caption as they stood upon the record of the informal complaint proceeding. If the party requesting review is a utility, the phrase ''Complaint Appellant'' will be added after its name.

(D) *HEARINGS*. HEARINGS CONDUCTED BY AN ADMINISTRATIVE LAW JUDGE OR A SPECIAL AGENT WILL BE HELD WITHIN A REASONABLE PERIOD OF TIME AFTER THE FILING OF THE ANSWER. THE PARTIES MAY INCORPORATE PORTIONS OF THE CONFERENCE REPORT OR INFORMAL COMPLAINT DECISION THAT THEY SHALL AGREE UPON.

(E) *FORMAL COMPLAINT DECISION*. THE ADMINISTRATIVE LAW JUDGE OR SPECIAL AGENT ASSIGNED TO THE FORMAL COMPLAINT WILL ISSUE A DECISION WITH THE COMMISSION WITHIN A REASONABLE PERIOD OF TIME AFTER THE RECEIPT OF THE TRANSCRIBED TESTIMONY. INCLUDED IN THE DECISION WILL BE A DESCRIPTION OF THE MATTER, FINDINGS OF FACT, CONCLUSIONS OF LAW AND OTHER DISCUSSION AND OPINION AS IS APPROPRIATE.

~~(d)~~ (F) *Commission review*. The Commission will review the decision of the assigned administrative law judge or special agent, commit it to advisory staff for further analysis, remand it to an administrative law judge or special agent for further development of the record or issue a final order. The burden of proof remains with the party WHO ~~filing~~ FILED the formal complaint.

* **This section was revised to make it consistent with § 56.404.**

 **§ 56.421. ~~General rule~~ PAYMENT AND TIMING.**

When service to a dwelling has been terminated, the utility shall reconnect service ~~by the end of the first full working day~~ WITHIN 24 HOURS after receiving one of the following:

(1) Full payment of an outstanding charge plus ~~a reasonable~~ THE reconnection fee SPECIFIED IN THE UTILITY’S TARIFF ON FILE WITH THE COMMISSION. Outstanding charges and the reconnection fee may be amortized over a reasonable period of time. Factors to be taken into account include, but are not limited to:

(i) The size of the unpaid balance.

(ii) The ability of the customer to pay.

(iii) The payment history of the customer.

(iv) The length of time over which the bill accumulated.

(2) Payment of amounts currently due according to ~~an informal dispute settlement agreement or~~ A payment agreement, plus a reasonable reconnection fee, which may be a part of the ~~informal dispute settlement agreement or~~ payment agreement. The utility may apply the procedure in paragraph (1), if the payment history indicates that the customer has defaulted on at least two payment agreements, or an informal complaint decision, or a formal complaint order. FOR PURPOSES OF THIS SECTION, NEITHER AN AMORTIZATION OF A MAKE-UP BILL UNDER § 56.264 (RELATING TO PREVIOUSLY UNBILLED UTILITY SERVICE) OR §56.252 DEFINITION OF A BILLING MONTH (RELATING TO DEFINITIONS), NOR A PAYMENT AGREEMENT THAT HAS BEEN PAID IN FULL BY THE CUSTOMER, ARE TO BE CONSIDERED DEFAULTS. BUDGET BILLING PLANS AND AMORTIZATION OF BUDGET PLAN RECONCILIATION AMOUNTS UNDER § 56.262(7) (RELATING TO METER READING; ESTIMATED BILLINGS; CUSTOMER READINGS) SHALL ALSO NOT BE CONSIDERED DEFAULTS FOR THE PURPOSES OF THIS SECTION.

(3) Adequate assurances that any unauthorized use or practice will cease, plus full payment of the reasonable reconnection fee of the utility, which may be subject to a payment agreement and compliance or adequate assurance of compliance with an applicable provision for the establishment of credit or the posting of deposits or guarantees.

(4) Service shall be restored within 24 hours for erroneous terminations or upon receipt by the utility of a valid medical certification. Erroneous terminations include instances when the grounds for termination were removed by the customer paying the amount needed to avoid termination prior to the termination of the service.

(5) Service shall be restored within 24 hours for terminations and reconnections occurring after November 30 and before April 1.

(6) A CUSTOMER OR APPLICANT OF A CITY NATURAL GAS DISTRIBUTION OPERATION WHOSE HOUSEHOLD INCOME DOES NOT EXCEED 135% OF THE FEDERAL POVERTY LEVEL SHALL BE REINSTATED UNDER THIS SUBSECTION ONLY IF THE CUSTOMER OR APPLICANT ENROLLS IN THE CUSTOMER ASSISTANCE PROGRAM OF THE CITY NATURAL GAS DISTRIBUTION OPERATION. THIS REQUIREMENT MAY NOT APPLY IF THE FINANCIAL BENEFITS TO THE CUSTOMER OR APPLICANT ARE GREATER IF SERVED OUTSIDE OF THAT ASSISTANCE PROGRAM.

(7) A UTILITY SHALL PROVIDE FOR AND INFORM THE APPLICANT OR CUSTOMER OF A LOCATION WHERE THE CUSTOMER CAN MAKE PAYMENT TO RESTORE SERVICE. A UTILITY SHALL INFORM THE APPLICANT OR CUSTOMER THAT CONDITIONS FOR RESTORATION OF SERVICE MAY DIFFER IF SOMEONE IN THE HOUSEHOLD IS A VICTIM OF DOMESTIC VIOLENCE WITH A PROTECTION FROM ABUSE ORDER OR IS SERIOUSLY ILL OR AFFECTED BY A MEDICAL CONDITION WHICH WILL BE AGGRAVATED WITHOUT UTILITY SERVICE.

* **Paragraph (2) was revised to specify more amortization plans, including budget billing plans, that should not be considered as a “payment agreement” when a utility is applying the provision that allows the utility to require the full account balance if a customer has defaulted on two payment agreements. This was done in reaction to comments that found the NOPR proposal helpful but incomplete.**
* **Paragraph (6) was added to provide a PGW customer with a PFA the same rights as any other customer to have service restored upon enrollment in PGW’s CAP, if they are so eligible.**
* **Paragraph (7) was added to provide a customer with a PFA the same information rights as any other customer. This includes information on medical certificates, where to make payments, and PFA protections.**

**§ 56.431. Public information.**

(A) In addition to the notice requirements in this chapter, the Commission will, within 6 months of the effective date of a change to a regulation in this chapter, prepare a summary of the rights and responsibilities of the utility and its customers affected by the change. Summaries will be mailed by the utility to each customer of the utility affected by the change. These summaries, as well as a summary of the rights and responsibilities of the utility and its customers in accordance with this chapter, ~~must~~ SHALL be in writing, SHALL be reproduced by the utility, SHALL be displayed prominently, SHALL BE AVAILABLE ON THE UTILITY’S WEBSITE, IF THE COMPANY HAS ONE, and SHALL be available at all utility office locations open to the general public. ~~This information shall be delivered or mailed to each new customer of the utility upon the commencement of service and shall be available at all times upon request.~~ THE PUBLIC UTILITY SHALL INFORM NEW CUSTOMERS OF THE AVAILABILITY OF THIS INFORMATION AND DIRECT WHERE TO LOCATE IT ON THE UTILITY’S WEBSITE. THE UTILITY SHALL DELIVER OR MAIL A COPY UPON THE REQUEST OF A CUSTOMER OR APPLICANT.

* **This section was revised to permit utilities to place their “rights and responsibilities” information on their website as opposed to having to mail hard copies to all new customers. This will save paper, printing, handling and postage costs.**