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April 1, 2019

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

**Re: Petition of PECO Energy Company for a Temporary Waiver of 52 Pa.  
Code § 56.97(a) To Allow Customers to Establish Payment Agreements  
Through an Automated Interactive Voice Response System  
Docket No. P-2015-2467894**

Dear Secretary Chiavetta:

*Petition of PECO Energy Company for An Extension and Expansion of Its Temporary Waiver  
of PA Code § 56.97(a)* is attached for filing

Very truly yours,



Ward L. Smith  
Counsel for PECO Energy Company

WS/adz  
Enclosures

Cc: Certificate of Service

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PECO Energy Company for a :  
Temporary Waiver of 52 Pa. Code § 56.97(a) :  
To Allow Customers to Establish Payment :  
Agreements Through an Automated Interactive : Docket No. P-2015-2467894  
Voice Response System :

CERTIFICATE OF SERVICE

I, Ward L. Smith hereby certify that on April 1, 2019, I served a copy of PECO Energy Company's *Petition for An Extension and Expansion of Its Temporary Waiver of PA Code § 56.97(a)* in the above matter, upon all interested parties via overnight delivery to:

Tanya J. McCloskey  
Office of Consumer Advocate  
555 Walnut Street  
Forum Place, 5<sup>th</sup> Floor  
Harrisburg, PA 17101-1923

Bureau of Investigation & Enforcement  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor West  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Office of Small Business Advocate  
Commerce Building  
300 North Second Street  
Suite 1102  
Harrisburg, PA 17101

Dated: April 1, 2019



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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of PECO Energy Company for a :  
Temporary Waiver of 52 Pa. Code § 56.97(a) :  
To Allow Customers to Establish Payment : Docket No. P-2015-2467894  
Agreements Through an Automated Interactive :  
Voice Response System :**

**PETITION OF PECO ENERGY COMPANY FOR AN EXTENSION AND EXPANSION  
OF ITS TEMPORARY WAIVER OF 52 PA CODE §56.97(a)**

In 2015, PECO Energy Company (“PECO” or the “Company”) sought a temporary waiver of 52 Pa. Code § 56.97(a) to allow customers to establish payment arrangements through an automated Interactive Voice Response (“IVR”) system. On April 9, 2015, the Commission granted PECO’s request for a period ending on May 31, 2019.

In its April 9, 2015 Order, the Commission stated (p. 6) that it anticipated that it would “address market-wide consideration of payment waivers through utility websites and IVR systems in a separate proceeding” and (p. 8, Ordering Paragraph 8) “[t]hat PECO Energy may request an extension of this waiver of 52 Pa. Code Section 56.97(a) before the expiration of the waiver granted by this Order unless a blanket waiver or amendment of Commission regulation has been adopted by the Commission in the interim.”

The Commission initiated the market-wide proceeding in Docket No. L-2015-2508421 (Rulemaking to amend the provisions of 52 Pa. Code, Chapter 56 . . . ) In a Final Rulemaking Order issued on February 28, 2019, the Commission amended 52 Pa. Code §56.97(a) so as to allow utilities to use both their IVR systems and their websites to enter into payment arrangements with customers. Those regulations “shall become effective upon publication in the

Pennsylvania Bulletin,” which to date has not occurred, and which may not occur prior to the May 31, 2019 expiration of PECO’s current waiver.

PECO therefore requests: (1) an extension of its existing waiver, until the effective date of the pending amendments to Chapter 56, to use its IVR system to continue to enter into payment arrangements with its customers; and (2) an expansion of the existing waiver, effective for the same time period, to allow PECO to use its website to enter into payment arrangements with its customers. In support thereof, PECO states that:

1. On February 18, 2015, PECO Energy Company (PECO) filed a Petition for Temporary Waiver of 52 Pa. Code § 56.97(a) (Petition). PECO requested the waiver so that its customers could have the option of using its IVR system to make payment arrangements to avoid termination of service. PECO’s 2015 Petition is posted on the Commission’s website. <http://www.puc.state.pa.us/pdocs/1343427.pdf>
2. On March 10, 2015, the Office of Consumer Advocate filed an Answer generally in support of PECO’s Petition, but suggesting that certain consumer protection safeguards be imposed. <http://www.puc.state.pa.us/pdocs/1346820.pdf>
3. On April 9, 2015, the Commission issued an Order in which it granted PECO’s Petition, conditioned on PECO providing certain customer protection safeguards delineated in that Order, through May 31, 2019 or until an amendment to 52 Pa. Code § 56.97(a) is implemented, whichever is earlier.
4. After a full rulemaking process in Docket L-2015-2508421, the Commission subsequently amended 52 Pa. Code § 56.97(a) to allow utilities and customers to enter into payment arrangements using the utilities IVR systems and websites. The Commission issued its *Final Rulemaking Order* in that docket on February 28, 2019. In

Attachment One to that *Final Rulemaking Order*, the Commission stated in material part (pp. 59-61, emphasis added) that:

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

\* \* \*

EAP, PPL, and PGW suggest removing the words “authorized,” “personnel,” and “employee” from this Subsection *in order to allow for automated or self-service options*. While customers would always be free to contact the utility to get more information about the termination process, some customers may prefer to receive this information via automation either *over the phone or the internet*. Having to talk to a live utility employee may feel intimidating to those customers who are under threat of termination; additional flexibility in this circumstance would be beneficial. To that end, EAP suggests a similar removal of the phrase “through its employees” from § 56.97(b), as many utilities also have the means to help customers establish payment arrangements via *their website or other secure, automated methods*. Again, this modification would not remove the option for customers to speak directly with utility customer service employees if they choose, but rather broaden the options for customers by removing the present limitation of person-only methods.

\* \* \*

*We agree with the parties who suggest removing the word “authorized employee” and “through its employees” from this Subsection in order to allow for automated or self-service options. . . . We will [] revise §§ 56.97(a) and 56.337 to allow for automated or self-service options.*

5. These amendments to 52 Pa. Code §56.97(a) will become effective upon publication in the Pennsylvania Bulletin. *Final Rulemaking Order*, p. 8, Ordering Paragraph 5.
  
6. As of the date of PECO filing this request, the amendments have not been published in the Pennsylvania Bulletin. Although publication may be imminent, there is no set or known date by which publication must occur; publication may thus occur after PECO’s current waiver expires.

7. PECO wishes to continue to provide customers with access to its existing IVR functionality without a break; an extension of PECO's current waiver for its IVR system will allow PECO to do so.
  
8. PECO also would like to offer the same services via its website as soon as it is able to complete programming, regardless of whether publication has occurred; PECO therefore requests that its existing waiver be expanded to include its website.
  
9. Once publication has occurred, PECO will provide these services through both its IVR and its website under the amended provisions of 52 Pa. Code §56.97(a).

## CONCLUSION

PECO respectfully requests that the Commission issue an Order:

- (1) Extending PECO's current waiver from 52 Pa. Code § 56.97(a), which allows it to enter into payment arrangements with its customers via its IVR system contingent upon certain customer protections set forth in the Commission's April 9, 2015 Order in this docket, until such time as the pending amendments to 52 Pa. Code § 56.97(a) become effective via publication in the Pennsylvania Bulletin; and
- (2) Expanding PECO's current waiver from 52 Pa. Code § 56.97(a), to also include permission to offer payment arrangements through its website, subject to the consumer protections set forth in the Commission's April 9, 2015 Order, until such time as the pending amendments to 52 Pa. Code § 56.97(a) become effective via publication in the Pennsylvania Bulletin.

Respectfully submitted,



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VERIFICATION

I, Brooke Shehata, being the Manager – Regulatory Performance at PECO Energy Company, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect PECO Energy Company to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Dated: April 1, 2019

  
\_\_\_\_\_  
Brooke Shehata