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|  | **PENNSYLVANIA**  **PUBLIC UTILITY COMMISSION**  **Harrisburg, PA 17105-3265** |  |

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|  | Public Meeting held February 25, 2021 |
| Commissioners Present: |  |

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| Gladys Brown Dutrieuille, Chairman | |  | |
| David W. Sweet, Vice Chairman | |  | |
| John F. Coleman, Jr.  Ralph V. Yanora | |  | |
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| Working Group on medical certificate, other court order and privacy guidelines relating to the Rulemaking to Amend the Provisions of 52 Pa. Code, Chapter 56 to Comply with the Amended Provisions of 66 Pa.C.S. Chapter 14 | L-2015-2508421 | |

**TENTATIVE ORDER**

**BY THE COMMISSION:**

On October 22, 2014, Governor Corbett signed into law HB 939, or Act 155 of 2014. This law became effective on December 22, 2014. The Act reauthorized and amended Chapter 14 of the Public Utility Code (66 Pa.C.S. §§ 1401-1419) (Responsible Utility Customer Protection). The Act is intended to protect responsible bill paying customers from rate increases attributable to other customers’ delinquencies in payment. The Act provides public utilities with collection mechanisms and procedures that promote more timely collections, while protecting vulnerable customers by ensuring that utility service remains available to all customers on reasonable terms and conditions. The legislation is applicable to electric distribution utilities, water distribution utilities, natural gas distribution utilities, steam heat utilities, and wastewater utilities. After considering written comments filed at this docket and advice from stakeholders at the October 29, 2019 collaborative meeting, with this Tentative Order the Commission seeks comment on these matters.

**BACKGROUND**

Chapter 56 of the Pennsylvania Code (52 Pa. Code §§ 56.1-56.461, relating to the standards and billing practices for residential utility service) was revised because the amended Chapter 14 superseded a number of Chapter 56 regulations, and the Commission was directed to revise Chapter 56 and promulgate regulations to administer and enforce Chapter 14. Five years after the effective date and every five years thereafter, the Commission also must report to the General Assembly regarding the implementation and effectiveness of the amended Act. Chapter 14 expires on December 31, 2024, unless reenacted.

On July 9, 2015, the Commission issued a Final Order*, Chapter 14 Implementation*, Docket No. M-2014-2448824 (Order entered July 9, 2015) (*Final* *Implementation Order)*. In the *Final* *Implementation Order*, the Commission issued guidance as to the form and content of a medical certificate. Additionally, the Commission summarized guidelines for 66 Pa.C.S. § 1410.1(3) (relating to public utility duties) regarding reporting requirements for accounts exceeding $10,000 in arrearages and further summarized guidelines for Section 1410.1(4) (relating to public utility duties) regarding reporting requirements for medical certificates.

On February 28, 2019, the Commission adopted a Final Rulemaking Order revising the 52 Pa. Code Chapter 56 regulations that administer and enforce Chapter 14 of the Public Utility Code. *Rulemaking to Amend the Provisions of 52 Pa. Code, Chapter 56 to Comply with the Amended Provisions of 66 Pa.C.S. Chapter 14,* Docket No. L‑2015-2508421, (February 28, 2019) (*Final Rulemaking Order)*. On June 1, 2019, these final regulations were published in the *Pennsylvania Bulletin* and were effective upon publication. *See* 49 *Pa.B.* 2815**,** https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol49/49-22/851.html.

In the *Final Rulemaking Order*, the Commission deferred three issues to a working group. These three issues related to the amendments to 66 Pa.C.S. §§ 1403, 1406, and 1417. *See* *Final Rulemaking Order*, Attachment One at 21, 56, 139, and 166. These sections include:

1. Form of medical certificate - Section 1403 – (relating to definitions) “Medical certificate – A written document, in a form approved by the commission: …”66 Pa.C.S. § 1403.
2. Other court order - Section 1417 – (relating to non-applicability) – “This chapter shall not apply to victims under a protection from abuse order as provided by 23 Pa.C.S. Ch. 61 (relating to protection from abuse) or a court order issued by a court of competent jurisdiction in this commonwealth, which provides clear evidence of domestic violence against the applicant or customer*.”* 66 Pa.C.S. § 1417.
3. Privacy guidelines - Section 1406(b)(1)(ii)(C) – (relating to notice of termination of service) “by email, text message or other electronic messaging format consistent with the commission’s privacy guidelines and approved by commission order.” 66 Pa.C.S. § 1406 (b)(1)(ii)(C).

On August 29, 2019, the Commission issued a Secretarial Letter (August Secretarial Letter) announcing the establishment of a Chapter 56 working group to address these three remaining issues. The Commission invited all interested stakeholders to participate, including all parties from the *Final Rulemaking Order*, as well as the additional stakeholders interested in these subjects.

Ten parties filed comments on October 4, 2019, including: Columbia Gas of Pennsylvania (Columbia); Energy Association of Pennsylvania (EAP); PECO Energy Company (PECO); PPL Electric Utilities Corporation (PPL); Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company (collectively FirstEnergy); Office of Consumer Advocate (OCA); Pennsylvania Coalition Against Domestic Violence (PCADV); Joint Comments of Tenant Union Representative Network, Action Alliance of Senior Citizens of Greater Philadelphia, and the Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania (collectively the “Low Income and Consumer Rights Group” or LICRG); Philadelphia Nurse-Family Partnership and the Mabel Morris Family Home Visit programs (collectively MLP); and the Health, Education, and Legal Assistance Project (HELP). All comments are available on the Commission’s website under the docket number L-2015-2508421.

On October 29, 2019, individuals representing electric distribution companies (EDCs), natural gas distribution companies (NGDCs), OCA, EAP, PCADV, and LICRG, held a collaborative meeting to discuss the issues as directed by the August Secretarial Letter. For more than three hours, the stakeholders engaged in discussions that were informative and useful on the various topics.

**DISCUSSION**

**A.** **Form of medical certificate**

MLP, HELP, LICRG, and OCA commented recommending the creation of a standardized medical certificate form and that the standardized form be succinct and contain only the elements required by law. MLP at 2; HEP at 2; LICRG at 5-6; OCA at 5.

LICRG stated that the standardized medical certificate form should be simple and clear and that the form should only ask for what is required by statute or regulation. The form should be optional, and a medical professional’s office should have the ability to submit a standard form or even a letter on its own letterhead verifying the medical need for a shutoff to be delayed or avoided. LICRG continued that a medical professional’s license number should not be required. The inclusion of a license number may lead medical professionals to be concerned that their license and medical judgment are on the line when they are signing a medical certificate and thereby discourage them from doing so. LICRG at 6-8.

MLP, HELP, LICRG, and OCA also recommended that the form be posted and readily available on utility websites. Making the form readily available and easily accessible will ease the process for utility providers and customers alike and, most importantly, protect the health of vulnerable Pennsylvanians. MLP at 2; HELP at 2; LICRG at 5-7.

LICRG also suggested that the Commission and utilities post simple directions for medical professionals and consumers on how to use the medical certificate form. LICRG at 7.

PPL did not oppose the creation of a standardized medical certificate form but recommended that the form not be made publicly available. PPL at 3.

EAP and PPL were concerned that making the medical certificate available to the general public could invite misuse. EAP at 3; PPL at 3.

PPL and First Energy suggested that medical certificate forms should be made available upon request of the utility rather than available for download at the utility’s website. PPL at 4; First Energy at 1-2. EAP, PPL, and First Energy supported the inclusion of the certifying medical professional’s license number on the medical certificate. Both further asserted that the license number is easily accessible and, therefore, should not be a burden on the medical professional. EAP at 2-3; PPL at 4; First Energy at 1-2.

At the October 29, 2019 stakeholder meeting, the stakeholders discussed the issues raised in the August Secretarial Letter as well as some additional issues and concerns raised by the stakeholders that had not been previously identified or considered. Issues discussed and proposed resolutions included what elements the *form* of a medical certificate should include; whether it should be optional; whether the medical professional’s license number should be required on the certificate; and whether medical certificate formats should be posted on utility websites.

Some stakeholders were concerned with requiring the medical professional’s license number on the medical certificate. While some saw the medical license number as adding legitimacy to the certificate, others noted that the medical professional’s license number is publicly available and easily found if necessary. Others noted that requiring the medical professional’s license number is not one of the five requirements of a medical certificate per Section 56.113. 52 Pa. Code § 56.113.

The Working Group also discussed placing medical certificates on the public utilities’ website. Some public utilities are concerned that placing the medical certificate form on a website will lead to abuse of the medical certificate process. Others felt that having the medical certificate form on a website will assist medical professionals by being able to timely process a patient’s request.

To address these concerns, we propose a standard medical certificate form. The standard medical certificate form, contained in Appendix A, can be used by applicants, customers, and medical professionals and would be placed on the Commission’s website. The proposed standard medical certificate form would include the five elements necessary for a valid medical certificate pursuant to the Commission’s regulations. We are not proposing that the medical professional’s license number be included on the standard medical certificate when it is submitted on behalf of a customer. In addition, we propose drafting guidance for both consumers and medical professionals. We propose placing this medical certificate guidance, contained in Appendix B, on the Commission’s website. This would assist in educating all parties about the medial certificate process. We invite comments on the standard medical certificate form and the medical certificate guidance for both consumers and medical professionals.

**B. Court orders**

EAP and Columbia noted in their comments that utilities are not equipped and should not be required to be equipped to make judgments about what constitutes domestic violence or “clear evidence of domestic violence” or the validity of “other court orders” and that these are determinations best left to the courts. They encourage the Commission to utilize definitions already codified in other areas of Pennsylvania statute or regulation. EAP at 4-5; Columbia at 1.

PPL requested that the Commission provide guidance on all definitions including “clear evidence,” “domestic violence,” and “court of competent jurisdiction.” PPL requested that “clear evidence” be defined as a statement or finding contained in the court order that the customer or member of the household is a victim of domestic violence. PPL at 3-5. PPL requested that “domestic violence” be defined, as defined in 23 Pa.C.S. § 6102 (relating to Chapter 61 Protection from Abuse). PPL at 3-5. PPL requested that the “court of competent jurisdiction” be defined as a magisterial district court, court of common pleas, or an appellate court. PPL indicated that it further supports additional working group discussions on developing a domestic violence notice for customers, domestic violence training and educational materials, and confidentiality expectations of handling information regarding domestic violence. PPL at 4.

PECO proposed to accept “a wide range of domestic violence orders, including Protection From Abuse Orders (PFAs), Protection from Sexual Violence and Intimidation Act, (PSVI Orders), Sexual Violence Protection Orders (SVPOs), and Protection from Intimidation Orders (PFIOs)” as justifying an exemption. PECO at 4-6. PECO noted that additional information on these order types can be found on the PCADV website at pcadv.org. PECO stated that if a customer presents an order other than one of the above listed and identifies the language in the order that he or she asserts qualifies as “clear evidence,” PECO will evaluate that claim in good faith. PECO continued that it does not agree that it is possible to determine beforehand what types of language should be accepted as “clear evidence” of domestic violence. PECO at 6. PECO urged the Commission to have an accelerated review process in place for such claims, so that if PECO or other utilities conclude that they have not been presented with “clear evidence,” the court will have an easy and expedited method for obtaining Commission review of that determination. PECO at 6. PECO further indicated that it is committed to maintaining confidentiality of these orders. PECO at 6-7.

LICRG noted that, “by expanding the exemption for victims of domestic violence beyond those who are able to obtain a PFA, Chapter 14 expands the protection to all victims who have been recognized by a court to have experienced domestic violence.” LICRG at 9. LICRG suggested that in approaching questions regarding the subject, that the Commission consider the basic intent of the legislature to protect any victim of domestic violence who has been recognized by a court to have experienced domestic violence. LICRG at 14. LICRG further asserted that when the terms “court order,” “clear evidence,” and “domestic violence” are interpreted, the Commission should broadly construe these protections and expanded rights to make access to these protections simple, consistent, and straight-forward. LICRG at 14.

OCA reported that it generally agreed with the original comments on this issue filed at this docket number on April 18, 2017, at pages 24 through 27, by the Joint Commenters, representing the following groups, Community Justice Project, Disability Rights Pennsylvania, Health Education and Legal Assistance Project: A Medical Legal Partnership at Widener University (HELP-MLP), The Homeless Advocacy Project, The Housing Alliance of Pennsylvania, The Pennsylvania Coalition Against Domestic Violence, The Pennsylvania Health Law Project, The Pennsylvania Utility Law Project, The Women’s Center Inc. of Columbia and Montour Counties, The Women’s Resource Center, (collectively Joint Commenters). OCA at 6. OCA and the Joint Commenters agreed with the Commission’s *Final Implementation Order* at pages 44 through 45, in which the Commission urged all public utilities to make sure that they consult with PCADV and other organizations that deal with domestic violence, on these Section 1417 issues. OCA at 6. *See Final Implementation Order* at pages 44 through 45.

PCADV noted that domestic violence is “a pattern of coercive behavior used by one person to gain power and control over another in an intimate or familial relationship.” It further asserted that domestic violence can include physical, emotional, psychological, and economic or financial abuse. Economic abuse is one of the most little-known forms of domestic violence “but is one in which an intimate partner has control over the other partner’s access to economic resources, diminishing a partner’s self-sufficiency, and occurs in nearly 98 percent of domestic abuse situations.” PCADV at 1.

PCADV asserted that protection orders issued by a court from another jurisdiction outside of Pennsylvania are explicitly recognized and enforceable by Pennsylvania Courts and that court orders issued in one state are recognized and enforceable in all other states pursuant to the Full Faith and Credit Clause of the United States Constitution, U.S. Const. Art. IV, §1. PCADV at 2. The exemptions should not be limited to currently active PFAs and other court orders. Instead, they should include all PFAs, including emergency, temporary, and final, and other court orders that were either active for the time during which there was a dispute with the utility or that can be reasonably tied to the time-period of the dispute. (PCADV at 2). PCADV further explained that it is often common for victims to not pursue the PFA process to a final PFA order due to the fear of retaliation, having the issue handled in another legal action instead, or various other reasons. Other instances of failure to pursue a final PFA, can occur often following separation from an abuser, when a survivor of domestic violence no longer has two household incomes to rely on to pay their utilities or rent, or when an abuser has been ordered to pay support and fails to do so. All of these issues can occur outside of the time period of an active PFA, and yet the abuse is the root cause of the utility issue, and PCADV asserts that the exemption should apply to these. PCADV at 2.

At the October 29, 2019, meeting stakeholders discussed what types of orders qualify; how should an order from a court in another state be handled; what constitutes “domestic violence,” and what qualifies as “clear evidence” of domestic violence, and whether these other orders should have time limitations. Additionally, stakeholders discussed developing appropriate notice of domestic violence exemption to consumers; training and consumer education materials; and confidentiality expectations for handling information about a customer’s status as a victim of domestic violence.

The stakeholders discussed what type of civil or criminal orders would qualify as providing clear evidence of domestic violence against the applicant or customer. Some of the examples mentioned by stakeholders included PFAs, PSVI Orders, and SVPOs as well as Divorce, Child custody, criminal convictions, Emergency, temporary, and final orders. Some stakeholders were concerned with creating such a comprehensive list.

With regard, to the types of, “other court order issued by a court of competent jurisdiction in this commonwealth,” the stakeholders noted that these other court orders could be issued by a District Magistrate, Court of Common Pleas, Appellate Court, Federal Courts, Municipal Courts, and Administrative Courts. Stakeholders also discussed whether court orders from other states would be valid. PCADV advised that other court orders from other states can be authenticated by the Court of Common Pleas by filing them with the Court and that the PFA Act specifically outlines the requirements to certify a PFA from another state. The Court of Common Pleas would then provide a Pennsylvania docket number after it is certified.

The stakeholders also discussed what constitutes domestic violence. Chapter 61 (relating to Protection from Abuse) of Title 23 provides definitions at 23 Pa.C.S. § 6102 and includes definitions of, “abuse,” “family or household members,” and “victim.” LICRG filed written comments recommending that the Commission start with a definition of “domestic violence” used by the Pennsylvania Department of Human Services, codified at 55 Pa. Code § 3041.3, since it is already an accepted regulatory definition in Pennsylvania. LICRG at 12.

23 Pa.C.S. § 6102 – Definitions:

**“Abuse.”** The occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

(1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon.

(2) Placing another in reasonable fear of imminent serious bodily injury.

(3) The infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to false imprisonment).

(4) Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services).

(5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).

**“Family or household members.”** Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

**“Victim.”** A person who is physically or sexually abused by a family or household member. For purposes of section 6116 (relating to confidentiality), a victim is a person against whom abuse is committed who consults a domestic violence counselor or advocate for the purpose of securing advice, counseling or assistance. The term shall also include persons who have a significant relationship with the victim and who seek advice, counseling or assistance from a domestic violence counselor or advocate regarding abuse of the victim. 23 Pa.C.S. § 6102.

PCADV preferred a more expansive definition of domestic violence that included psychological, mental, and financial abuse.

The Commission maintains its prior position on this: That when presented with cases of domestic violence and PFAs, the Commission expects the utilities to operate in good faith. The Commission agrees that public utilities and the Commission should defer to groups with expertise in this area such as PCADV, and therefore shall decline to provide specific definitions for each term. Public utilities should consult with the local PCADV for guidance and assistance. As noted by PECO, examples of other court orders are listed on the PCADV website at pcadv.org.

Pursuant to Section 1417 – (relating to non-applicability), “*This chapter shall not apply to victims under a protection from abuse order* or as provided by 23 Pa.C.S. Ch. 61 (relating to protection from abuse) or a court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence against the applicant or customer.” (emphasis added). 66 Pa.C.S. §1417. Section 1417 clearly states that Chapter 14 shall not apply to victims under a PFA.

The Commission agrees with PCADV that PFAs, whether registered or not, are valid and enforceable and entitled to the protections of subchapters L-V[[1]](#footnote-2) of the Commission’s regulations at Chapter 56 of 52 Pa. Code. We also agree that PFAs that are issued outside of the Commonwealth are entitled to the protections of subchapters L-V pursuant to the statute since they are not specifically limited to “in this commonwealth.”

The second part of the statute states that (a non-PFA court order) or court order issued by a court of competent jurisdiction “in this commonwealth,” providing clear evidence of domestic violence against the applicant or customer are also included in the protections of subchapters L-V.

Non-PFA court orders “outside of the commonwealth” are not included and not extended the protections under subchapters L-V of Chapter 56 regulations. These non-PFA court orders outside of the Commonwealth are still valid and enforceable pursuant to the Full Faith and Credit Laws of the Constitution, but they are simply not afforded the subsections L-V protections under Chapter 56. By way of further explanation, Section 1417 does not prohibit courts from respecting and enforcing foreign judgments the same way that those judgments would be credited and enforced in their issuing state. The amended Chapter 14 statutory section simply prohibits certain foreign non-PFA orders from being capable of providing a domestic violence victim with the additional customer protections of 52 Pa. Code, Chapter 56, Subchapters L-V.

Finally, PCADV has training available for utilities on domestic violence. The Commission proposes to encourage the utilities to contact their local PCADV and participate in a training session about domestic violence. The Commission’s Bureau of Consumer Services (BCS) has also coordinated training with PCADV in the past and will continue to offer this training periodically to utilities.

The Commission agrees with its prior position on these issues as stated in the *Final Implementation Order,* at 44-45, and repeats it again here. Public utilities, when encountering questions or difficulties with the requirements of Section 1417, should consult their in-house counsel and, if needed consult with outside experts, including the PCADV. We encourage utilities to engage in a dialogue with the community organizations that deal with domestic violence issues, especially if they have questions or problems implementing Section 1417. Consumers, community organizations and public utilities should contact the Commission with any Section 1417 exemption problems.

**C. Privacy guidelines**

Amended Chapter 14 referenced the Commission’s privacy guidelines at Section 1406, relating to notice of termination of service, that emails, text messages, and other electronic messaging must be consistent with the Commission’s privacy guidelines.

We note that the privacy guidelines would be relevant to our Commission regulations at Sections 56.93 and 56.333 (relating to personal contact). 52 Pa. Code

§§ 56.93 and 56.333. In the *Final Rulemaking Order*, the Commission made changes to these two sections of Chapter 56, simply referencing “the Commission’s privacy guidelines” but not explaining what they are.

The Commission currently does not allow the release of telephone numbers for any purpose. Parties have asked that the Commission provide the same treatment for

e-mail addresses, numbers used for text messaging, etc., and that data submitted to a public utility for purposes of personal contact should not be shared with third parties. The Commission agrees that telephone numbers and email addresses should not be shared with third parties absent express and clearly defined permission from the customer to share.

LICRG and OCA commented that the privacy guidelines should prevent public utilities from sharing any form of personal identification and contact information similar to the current regulations at 52 Pa. Code § 54.8. This would include not sharing e-mail addresses, numbers used for text messaging, etc. LICRG at 16-18; OCA at 7.

LICRG stated that the Commission’s privacy guidelines should set forth in detail how public utilities must obtain affirmative consent from consumers. The consent should be narrowly tailored to obtain explicit consent to receive 72-hour notice of termination electronically. LICRG at 17.

LICRG further noted that public utilities should also be required to periodically update this consent to ensure that the customers’ electronic contact information has not changed and verify that the consumer continues to consent to electronic communications. LICRG at 17.

EAP averred that when customers provide their e-mail address, they are agreeing to permit the utility to contact them for all routine matters, which include billing, newsletters, service outage notices, and termination. EAP further explained that insofar as this information is clearly explained at the time the customer provides the information to the utility, a separate notice regarding consent for electronic notification of termination should not be necessary. Customers should also be responsible for updating their contact information should they opt-in to these services. EAP at 6-7.

At the working group meeting, the stakeholders also discussed what type and form of consent is necessary. The Commission proposes that there should be a separate, distinct notice for customers choosing to enroll in receiving electronic notifications at Sections 56.93 and 56.333 (relating to personal contact). 52 Pa. Code §§ 56.93, 56.333. This separate and distinct notice should explain and inform the customer that this is voluntary and that the purpose is to receive notification of a pending termination electronically. The consent should not be a check box.

The Commission proposes that customers be able to revoke their consent at any time and by any clear means.

Stakeholders were divided as to if the customer should have to renew this consent and how often they should renew their consent. Some stakeholders felt customers should remain enrolled until they make a change while others felt renewal should occur yearly. The Commission proposes that, on a yearly basis, utilities send a reminder notice to all customers reminding them to review their account information and other electronic notifications the customer may have signed up to receive.

The Commission invites comments on the concepts outlined above, including how a customer can enroll, the type of consent form, and an explanation of the electronic messaging enrollment.

**CONCLUSION**

We thank the stakeholders for their participation in this proceeding and for their helpful assistance during the collaborative process. With this Tentative Order, the Commission is providing yet another opportunity for any interested parties to offer input and advise on these matters. Upon review of the comments, we intend to issue a Final Order on medical certificates, other court orders related to domestic violence, and privacy guidelines.

**THEREFORE,**

**IT IS ORDERED:**

1. That the Secretary shall serve an electronic copy of this Tentative Order and Appendices on the Office of Consumer Advocate, the Office of Small Business Advocate, the Pennsylvania Medical Society, the Pennsylvania Osteopathic Medical Association, and all parties that submitted comments at Docket Number L-2015-2508421.
2. That the Law Bureau shall deposit this Order and Appendices with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin.*

3. That interested parties may submit written comments referencing Docket No. L-2015-2508421 within 45 days of publication in the *Pennsylvania Bulletin*. In accordance with the Commission’s Emergency Order at Docket No. M-2020-3019262 (issued on March 20, 2020; ratified on March 26, 2020; modified by Secretarial Letter issued July 27, 2020), all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account and accepting eService. One can sign up for a free eFiling account through the Commission’s eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. Documents filed relative to this docket are available for inspection by searching under Docket No. L‑2015-2508421 on the Commission’s website at <https://www.puc.pa.gov/search/document-search/>.

4. That the Secretary shall post and make available electronically the Order and Appendices on the Commission’s website. A copy may also be obtained by calling the Secretary’s Bureau at 717-772-7777 or the Law Bureau at 717-787-5000.

5. The contact persons for this matter are Matthew Hrivnak, mhrivnak@pa.gov, Bureau of Consumer Services, 717-783-1678, and Patricia T. Wiedt, [pwiedt@pa.gov](mailto:pwiedt@pa.gov), Law Bureau, 717-787‑5000.

**BY THE COMMISSION,**

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: February 25, 2021

ORDER ENTERED: February 25, 2021

**Appendix A**

**REQUEST FOR MEDICAL CERTIFICATION**

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| **Name of the customer or applicant in whose name the account is or will be registered:** |
| **Account number:** |
| **Address of the customer or applicant in whose name the account is or will be registered:**  **Name and address of patient if different from the customer or applicant above:**  **Relationship of patient to customer or applicant if patient is different from the customer or applicant above:** |
| **Anticipated length of the affliction:** |
| **Printed name of the Physician, Nurse Practitioner, or Physician’s Assistant:** |
| **Office address and Office Phone number of the Physician, Nurse Practitioner, or Physician’s Assistant:** |
| **Signature (or E-signature) of the Physician, Nurse Practitioner, or Physician’s Assistant and the Date signed:** |

**To Be Completed By The Physician, Nurse Practitioner, or Physician's Assistant**

**Appendix B**

**Medical Certificates**

**Guidance for consumers:**

If you are behind on your bills, you may be able to avoid shutoff or obtain restoration of public utility service if there is a medical emergency in your household. A medical emergency exists if you or a member of your household are seriously ill or have a medical condition that will be worsened if you do not have public utility service.

To use a medical certificate to avoid termination or restore service, you must be a customer of the public utility. After your service is terminated or discontinued, you remain a customer of a public utility for 30 days. After 30 days have passed, the public utility considers you to be an applicant for new services. Once you revert to applicant status you are no longer a customer, and your medical certificate may not be enough to restore service. A payment may be required with the medical certificate in that case.

For a medical certificate to be accepted by the public utility, your physician, physician assistant, or a nurse practitioner must write to the public utility with:

1. The name and address of the customer or applicant in whose name the account is registered.

2. The name and address of the afflicted person and the relationship to the customer or applicant.

3. The anticipated length of the affliction.

4. The name, office address, and telephone number of the certifying physician, physician assistant, or nurse practitioner.

5. Signature of the certifying physician, physician assistant, or nurse practitioner.

Once a medical certificate is accepted by a public utility, a pending shutoff must be postponed for a maximum of 30 days. The shutoff can then be postponed for a maximum of 30 days and renewed for additional 30-day periods.

If your service has already been shut off, you may provide a medical certificate to the public utility to have service restored within 24 hours. If your service has been terminated for more than 30 days, you will revert to applicant status. A payment may be required with the medical certificate if you are an applicant seeking restoration and you still have an outstanding balance due.

A single medical certification will result in postponement or restoration of service for a maximum of 30 days. However, you still have the responsibility to pay your current bills or your budget billing amount during the postponement and any renewal thereof. If you do not pay your current bills, the utility is not required to accept more than two medical certification renewals.

**Medical Certificates**

**Guidance for Medical Professionals:**

Consumers may be able to avoid shutoff or obtain restoration of public utility service if there is a medical emergency in the household. A medical emergency exists if the consumer or a member of the household is seriously ill or has a medical condition that will be worsened if the consumer does not have utility service.

The determination of whether a medical condition qualifies for the purposes of this section resides entirely with the physician, nurse practitioner, or physician assistant and not with the public utility.

A single medical certificate will result in the postponement or restoration of service for a maximum of 30 days. Consumers have the responsibility to pay current bills or the budget billing amount during the postponement. The medical certificate can be renewed for additional 30-day periods.

For a medical certificate to be accepted by the public utility, a physician, physician assistant, or a nurse practitioner must call or write the public utility with:

1. The name and address of the customer or applicant in whose name the account is registered.

2. The name and address of the afflicted person and the relationship to the customer or applicant.

3. The anticipated length of the affliction.

4. The name, office address, and telephone number of the certifying physician, physician assistant, or nurse practitioner.

5. Signature of the certifying physician, physician assistant, or nurse practitioner.

1. Commission regulations in 52 Pa. Code §§ 56.1-56.461 are divided into two separate sections pursuant to 52 Pa. Code § 56.1 (b) (relating to Statement of purpose and policy) which states, “[t]his subchapter and Subchapters B-K apply to electric distribution utilities, natural gas distribution utilities, wastewater utilities, steam heat utilities, small natural gas utilities, and water distribution utilities. Subchapters L-V apply to all customers who have been granted protection from abuse orders as provided by 23 Pa.C.S. Chapter 61 (relating to Protection from Abuse Act) or a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence against the applicant or customer.” [↑](#footnote-ref-2)