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

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|  | Public Meeting held December 16, 2021 |
| Commissioners Present: |  |

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|  Gladys Brown Dutrieuille, Chairman |
|  John F. Coleman, Jr., Vice Chairman |
|  Ralph V. Yanora |
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| Working Group on Medical Certificates, Other Court Orders, and Privacy Guidelines Relating to the Rulemaking to Amend the Provisions of 52 Pa. Code, Chapter 56 to Comply with the Amended Provisions of 66 Pa.C.S. Chapter 14 | L-2015-2508421 |

**ORDER**

**BY THE COMMISSION:**

On February 25, 2021, the Pennsylvania Public Utility Commission (Commission) entered a Tentative Order affording interested stakeholders with a final opportunity to comment on three issues deferred from the Commission’s February 28, 2019 Final Rulemaking Order in the above-referenced proceeding. The Final Rulemaking Order revised our regulations at 52 Pa. Code, Chapter 56, which administer and enforce Chapter 14 of the Public Utility Code, 66 Pa.C.S. §§ 1401-1419. The Tentative Order allowed stakeholders to provide input and advice on issues related to the amendments to 66 Pa.C.S. §§ 1403, 1406, and 1417, involving the form of medical certificates, other court orders related to domestic violence, and privacy guidelines, respectively. Upon consideration of the comments filed by stakeholders in response to the Tentative Order, the Commission issues this Order.

**BACKGROUND**

On October 22, 2014, Governor Tom Corbett signed into law House Bill 939, or Act 155 of 2014, which became effective on December 22, 2014. Act 155 reauthorized and amended Chapter 14 of the Public Utility Code, 66 Pa.C.S. §§ 1401-1419, addressing responsible utility customer protection. Act 155 is intended to protect responsible bill paying customers from rate increases attributable to other customers’ delinquencies in payment. Act 155 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. Act 155 is applicable to electric distribution utilities, water distribution utilities, natural gas distribution utilities, steam heat utilities, and wastewater utilities.

 The Commission revised its regulations at 52 Pa. Code, Chapter 56, relating to the standards and billing practices for residential utility service, because Chapter 14 of the Public Utility Code, as amended, superseded a number of Chapter 56 regulations. The Commission was directed to revise Chapter 56 and promulgate regulations in order to administer and enforce Chapter 14 of the Public Utility Code. Pursuant to Act 155, the Commission must report to the General Assembly regarding the implementation and effectiveness of the amended Act five years after the effective date of Chapter 14 and every five years thereafter. 66 Pa.C.S. § 1415. Chapter 14 of the Public Utility Code will expire on December 31, 2024, unless reenacted. 66 Pa.C.S. § 1419.

The Commission issued a Final Order regarding the implementation of Chapter 14 on July 9, 2015. *Chapter 14 Implementation*, Docket No. M-2014-2448824 (Final Order entered July 9, 2015) (Final Implementation Order). In its Final Implementation Order, the Commission issued guidance as to the form and content of a medical certificate, as defined in 66 Pa.C.S. § 1403. Additionally, the Commission summarized guidelines for 66 Pa.C.S. § 1410.1(3) regarding reporting requirements for accounts exceeding $10,000 in arrearages. The Commission also summarized guidelines for 66 Pa.C.S. § 1410.1(4) regarding reporting requirements for medical certificates.

 On July 21, 2016, the Commission adopted a Notice of Proposed Rulemaking (NOPR) Order to solicit comments about amending the provisions of Chapter 56 of the Commission’s regulations to implement 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 (Order entered July 21, 2016). The NOPR Order addressed numerous issues involving the application of the amended Chapter 14 provisions. On July 12, 2017, the Commission entered an Order seeking additional comments. *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 (Order entered July 12, 2017).

On February 28, 2019, the Commission adopted a Final Rulemaking Order revising Chapter 56 of its regulations, which 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 (Order entered February 28, 2019) (Final Rulemaking Order). On June 1, 2019, the final regulations were published in the *Pennsylvania Bulletin* at 49 Pa.B. 2815. The regulations became effective upon publication.

 In the Final Rulemaking Order, however, the Commission deferred three issues to a working group. *See* Final Rulemaking Order, Attachment One at 21, 56, 139, 166. The three outstanding issues relate to amendments to Sections 1403, 1406, and 1417 of the Public Utility Code, 66 Pa.C.S. §§ 1403, 1406, 1417. These issues include:

1. Form of medical certificates – 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 orders – Section 1417 (relating to nonapplicability). “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 announcing the establishment of a Chapter 56 working group to address the three remaining issues. The Commission invited all interested stakeholders to participate, including parties from the Final Rulemaking Order, and directed a collaborative meeting. On October 4, 2019, interested stakeholders filed comments with the Commission and, on October 29, 2019, the stakeholders participated in a collaborative meeting to discuss the issues.

On February 25, 2021, the Commission entered a Tentative Order providing yet another opportunity for any interested parties to offer input and advise on these matters. The Tentative Order was published in the *Pennsylvania Bulletin* at 51 Pa.B. 1762 on March 27, 2021. Comments were due within 45 days of publication. The Commission received comments from the following parties: Philadelphia Gas Works (PGW); the Office of Consumer Advocate (OCA), PECO Energy Company (PECO); the Energy Association of Pennsylvania (EAP); PPL Electric Utilities (PPL); the Joint Coalition for Affordable Utility Service and Energy Efficiency, the Tenant Union Representative Network, the Pennsylvania Coalition Against Domestic Violence (collectively, CAUSE‑PA); the Health, Education & Legal Assistance Project: A Medical-Legal Partnership (HELP: MLP); Duquesne Light Company (Duquesne), Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company (collectively, the FirstEnergy Companies), and Columbia Gas of Pennsylvania, Inc. (Columbia).[[1]](#footnote-1) These comments are discussed below. Upon review of the comments, we issue this Order on the form of medical certificates, other court orders related to domestic violence, and privacy guidelines.

**DISCUSSION**

We note that any issues we do not specifically address herein have been duly considered and are denied without further discussion. It is well settled that the Commission is not required to consider expressly or at length each contention or argument raised by the parties. *Consolidated Rail Corp. v. Pa. Pub. Util. Comm’n.*, 625 A.2d 741 (Pa. Cmwlth. 1993); *see also, generally, University of Pennsylvania v. Pa. Pub. Util. Comm’n.*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

**I. Form of Medical Certificates**

In the Tentative Order, we proposed the use of a standard medical certificate form. The proposed form includes the five elements necessary for a valid medical certificate pursuant to the Commission’s regulations. It does not include the medical professional’s license number. In addition, we proposed medical certificate guidance for consumers and medical professionals. The guidance is intended to assist in educating all parties about the medical certificate process. We proposed to add the standard medical certificate form and the medical certificate guidance to the Commission’s website. We included copies of the form and guidance as Appendices A and B to the Tentative Order, respectively.

**A. Comments on Form of Medical Certificates**

PGW supports the use of a standard medical certificate form and written guidance regarding medical certificates available on the Commission’s website. PGW suggests, however, that medical professionals be required to provide their license number on the medical certificate form. PGW argues that the license number is vital to the ability to validate the certificate, prevent fraud, and maintain the integrity of the certification process. PGW also asserts that medical professionals are accustomed to including this information on documentation and that including the license number would not present any impediment to customers. PGW Comments at 2-3.

The OCA states that a sample medical certification form is beneficial and that the form should be publicly available on the Commission’s website. While the OCA notes that creating an optional, standard, statewide format will provide consistency, it argues that a specific standard form should not be required. The OCA avers that flexible requirements would help ensure that medically vulnerable customers can access timely relief. OCA Comments at 5-6.

In addition, the OCA notes that the Request for Medical Certification form included in the Tentative Order contains a field for the “Account Number.” The OCA argues that an account number is not required by the Commission’s regulations and that this field should be removed from the form. The OCA claims that this requirement will result in delays in processing the medical certification form. The OCA maintains that medical certification procedures should ensure that medical certificates are readily accessible with no unnecessary barriers. In this regard, the OCA also states that it supports the Commission’s determination not to require medical professionals to include their license number on the form. The OCA notes that the Commission has never requested medical license numbers for the submission of a medical certificate and that the absence of this information has not been an issue. Finally, the OCA states that it supports the Commission’s proposed medical certificate guidance. OCA Comments at 3-5.

PECO states that it agrees with the form of standard medical certificate proposed by the Commission because the form contains the requirements set forth by 52 Pa. Code § 56.113. PECO also notes that it supports the view that forms should include the license number of the health professional submitting the form. PECO Comments at 2.

Like PGW and PECO, EAP supports a requirement for authorized medical professionals to include their license number on any medical certificate form. EAP argues that this is a prudent and simple requirement that will ensure integrity and protect against fraud. EAP argues that license numbers are required for a variety of routine matters, including issuing prescriptions. EAP further argues that utilities have not had any issues within service territories requesting this information. With regard to the medical certificate guidance document, EAP suggests making the following statement bold or otherwise emphasized earlier in the document: “You still have the responsibility to pay your current bills or your budget billing amount during the postponement and any renewal thereof.” EAP also asked the Commission to state as follows in the guidance: “Should you need further financial assistance beyond what is afforded by a medical certificate and available renewals, the Commission urges you to contact your utility. Your utility can evaluate your eligibility for additional assistance programs. Additional financial assistance may also be available through federal or state programs.” EAP Comments at 3.

PPL states that it agrees with the use of a standard medical certificate form and written guidance. PPL suggests that the form include a check-box to confirm that the physician, physician assistant, or nurse practitioner is licensed in Pennsylvania. PPL states that this information is required by 52 Pa. Code § 56.2, and that this approach is a compromise to requiring medical professionals’ license numbers. PPL Comments at 3.

CAUSE-PA states that it is generally supportive of the standardization of the medical certificate form and the written guidance. However, CAUSE-PA recommends adjustments to further improve the accessibility of the medical certificate process. First, CAUSE-PA recommends that the Commission require utilities to link the form and guidance on utilities’ websites. CAUSE-PA notes that many customers are unaware of the Commission as a resource and will first look to utilities. CAUSE-PA also suggests that utilities be required to include clear and simple directions on their websites explaining how to submit a medical certificate form. In addition, CAUSE-PA requests that the Commission clarify that, in addition to the standard medical certificate form, utilities must accept any other written documents that include the required elements of a medical certificate as set forth in 52 Pa. Code § 56.113. In this regard, CAUSE-PA argues that the form should not be viewed as the only acceptable means to transmit a medical certificate. CAUSE-PA Comments at 4-6.

 CAUSE-PA provided recommended amendments to the standard medical certificate form and guidance in Appendices A and B to its Comments. CAUSE-PA notes that requesting a license number on the form could have a chilling effect on the ability of medically vulnerable consumers to prevent imminent termination. CAUSE-PA recommends, however, changing the term “affliction” to “medical condition” on the form and adding the word “utility” in front of the word “account” to clarify that this is not a medical account number. CAUSE-PA also suggests adding check-boxes to indicate whether the length of the medical condition is shorter or longer than 30 days so that the medical professional only provides the estimated duration if it is shorter than 30 days, which is the maximum duration for a medical certificate. CAUSE-PA further suggests that the Commission add its logo to the form and name it “Medical Certificate.” As for the guidance document, CAUSE-PA suggests describing, *inter alia*, the process for obtaining and submitting a medical certificate and referencing the new standard form in the guidance. CAUSE-PA also notes that both the the form and guidance should be provided in multiple languages. CAUSE-PA Comments at 6-11, Appendices A and B.

 HELP: MLP notes that medical professionals often decline medical certificates due to a misunderstanding of the purpose or the time involved in obtaining and completing the forms. Thus, HELP: MLP commends the Commission for creating a standard form. Like CAUSE-PA, however, HELP: MLP requests that the Commission change “affliction” to “condition” on the form because “condition” is more in line with the statute and “affliction” implies something more severe than what the statute requires. HELP: MLP also notes that the term “condition” is more comfortable for medical professionals. Additionally, while HELP: MLP agrees that the form should be posted on the Commission’s website, it urges the Commission to make the standard form available on utility websites since that is where customers will naturally look for the form. Further, HELP: MLP asks the Commission to make clear that the medical certificate form is not necessary to prevent utility termination. HELP: MLP Comments at 2.

 Duquesne states that it does not oppose the Commission’s proposal to develop a standardized form for medical certificates that includes the five elements required by Chapter 14 of the Public Utility Code. While Duquense notes that requiring a medical practitioner’s license number may reduce fraudulent certificates, it acknowledges, based on comments and the working group, that doctors prefer not to include a license number and that some medical systems prohibit this practice. Duquesne states that, if the requirement to include a license number truly presents a barrier to those in need of assistance, it will not oppose this change. Duquesne asks that the Commission revisit the issue in the future if utilities begin to see an increased incident in potentially fraudulent use of medical certificates. Duquesne Comments at 3.

 Additionally, Duquense requests clarification regarding how medical certificates are to be received. Duquesne claims that the Tentative Order suggests that medical certificates can be provided to the utility directly by a customer or medical office, while the consumer and medical professional guidance in Appendix B seems to suggest that the medical professional must contact the utility directly. Duquesne states that the Commission should allow the customer to receive the certificate and submit it directly to the utility. Duquesne argues that medical offices are busy and may forget to submit a certificate on time, and that allowing a customer to submit the certificate reduces the risk that the customer will lose service. Further, Duquesne asks the Commission to revise language in Appendix B stating that a medical professional can “call” the utility. Duquense avers that this langue is misleading since 52 Pa. Code § 56.113 states that medical certifications must be in writing. Duquesne Comments at 3-4.

The FirstEnergy Companies echo the requests of PGW, PECO, EAP, and PPL to require medical professionals to provide their license number on the medical certificate form. The FirstEnergy Companies explain that their additional recommendations include (1) that medical professionals be allowed to submit medical certificate information on letterhead, (2) that medical certificate forms not be posted online, and (3) that customers be allowed to obtain only a limited number of medical certificates while they continue to have an outstanding balance. The FirstEnergy Companies note that they have a number of high-balance accounts where customers obtain medical certificates and file informal and formal complaints to avoid termination while making few, if any, payments. The FirstEnergy Companies state that, in some cases, there may not be valid underlying medical conditions. The FirstEnergy Companies also claim that allowing access to certificates with relative ease reduces the incentive for the customer to engage with the utility to find a long-term solution to an arrearage or low‑income assistance. As such, FirstEnergy Companies ask that the Commission adopt their recommendations, although they were not adopted in the Tentative Order. FirstEnergy Comments at 2.

**B. Disposition on Form of Medical Certificates**

First, with regard to the Standard Medical Certificate Form[[2]](#footnote-2) (Form), we agree with CAUSE-PA’s suggestion to clarify that the “Account Number” sought on the Form is the customer’s “utility” account number. We will modify the Form accordingly. We note that the OCA is correct that a utility account number is not one of the five criteria for a medical certificate under 52 Pa. Code § 56.113. Nonetheless, providing the customer’s utility account number on the Form may assist a utility in expediting the medical certificate. As such, we find value in maintaining this portion of the Form. We agree with the OCA, however, that a medical professional may not be able to readily obtain a customer’s utility account number from the customer or otherwise. Therefore, in order to avoid any burden to medical professionals in the medical certificate process, we will state on the Form that providing the customer’s utility account number is optional.

Additionally, we agree with CAUSE-PA and HELP: MLP that the Form should be modified with respect to the use of the term “affliction.” The Commission’s regulations at 52 Pa. Code § 56.2 refer to a “medical condition” in the definition of medical certificate, while the regulations at 52 Pa. Code § 56.113 refer to an “affliction” in listing the requirements for a medical certificate. We will include both terms on the Form to ensure that the Form reflects these regulations. We will also mirror this change in the Medical Certificate Guidance. Moreover, we disagree with CAUSE‑PA that the portion of the Form addressing the duration of the medical condition or affliction should be modified. The regulations at 52 Pa. Code § 56.113 require information on the “anticipated length of the affliction,” regardless of duration. Contrary to CAUSE-PA’s assertion, the requirement must be included even when the duration is less than 30 days.

We also disagree with the suggestion to incorporate the Commission’s logo on the Form. The Form is intended to serve as a resource and template for customers, medical professionals, and utilities in submitting and processing medical certificates. Adding the Commission’s logo to the Form may create confusion by leading customers or medical professionals to submit the Form to the Commission, rather than the utility, which may result in unnecessary processing delays.

Moreover, we agree with PWSA, PECO, EAP, and PPL’s recommendation that a medical professional’s license number should be included on Form. PPL notes that the definition of “medical certificate” in the Commission’s regulations at 52 Pa. Code § 56.2 provides, in part, that a medical certificate must be “signed by a *licensed* physician, nurse practitioner or physician assistant.” (emphasis added). We note that, in Section 1403 of the Public Utility Code, the General Assembly defined a “medical certificate” as:

A written document, in a form approved by the commission:

(1) certifying that a customer or member of the customer or member of the customer’s household is seriously ill or has been diagnosed with a medical condition which requires the

continuation of service to treat the medical condition; and

(2) signed by a *licensed* physician, nurse practitioner or physician’s assistant.

66 Pa.C.S. § 1403 (emphasis added). This definition includes two main elements for the written document and a signature from a “licensed” medical professional is one of those elements. We find that including a field for the license number on the Form is a lawful and reasonable way to give effect to all the words of the definition. *See* 1 Pa.C.S. § 1921(a) (every statute shall be construed to give effect to all its provisions). The inclusion of the license number on the Form will also prevent against fraud and misuse of the medical certificate process and, thereby, advance the General Assembly’s policy goal of protecting the interests of timely paying customers.[[3]](#footnote-3) Thus, we will add a field to the

Form for the license number of the physician, nurse practitioner, or physician’s assistant. We will also reflect this change in the Medical Certificate Guidance.

Finally, with respect to the Form, we note that, while we strongly encourage use of the Form, it is not required. Pursuant to the Commission’s regulations at 52 Pa. Code § 56.113, “[p]ublic utilities may develop a medical certificate form,” but it “may not be mandatory.” Consistent with the intent of the regulations to afford some flexibility in the medical certificate process, we will not require the use of the Form. The Form is a tool to help simplify the medical certificate process for customers, medical professionals, and utilities. Utilities continue to be required to accept medical certifications “in writing” that satisfy the definition of “medical certificate” and include all of the criteria set forth in 52 Pa. Code § 56.113. For example, with respect to the Form being signed by a licensed physician, nurse practitioner, or physician’s assistant, the medical professional may submit a written document containing the required information on their own letterhead and a utility may find that the information is of sufficient detail to establish that the medical professional is licensed or that the communication allows the utility to easily verify that the medical professional is licensed. In this regard, we remind utilities that they must provide service in an efficient, safe, and reasonable manner in their review of medical certificates. We also remind utilities that they are expected to exercise sound judgement and utilize their discretion in addressing exigent circumstances affecting the health and safety of their customers.

Next, as it pertains to the Medical Certificate Guidance[[4]](#footnote-4) (Guidance) for consumers and medical professionals, we agree with EAP, CAUSE-PA, and Duquesne that including additional information in the Guidance would be useful. As EAP suggests, we will modify the Guidance to emphasize the following statement earlier in the document: “You still have the responsibility to pay your current bills or your budget billing amount during the postponement and any renewal thereof.” We also agree with EAP’s suggestion to add the following statement to the Guidance: “Should you need further financial assistance beyond what is afforded by a medical certificate and available renewals, the Commission urges you to contact your utility. Your utility can evaluate your eligibility for additional assistance programs. Additional financial assistance may also be available through federal or state programs.” In addition, we will add language to the Guidance directing customers to call *Pennsylvania 211* or visit the *Pennsylvania 211* website for additional assistance. *Pennsylvania 211* provides free access to utility assistance, including payment assistance, shut-off suspension programs, payment plan negotiation assistance, and weatherization programs, as well as access to a number of other types of assistance. This language will help resolve the FirstEnergy Companies’ concerns that the medical certificate process reduces the incentive for customers to engage with utilities to find long-term solutions or low-income assistance.

In addition, we will modify the Guidance to explain the medical certificate process generally to customers. CAUSE-PA suggests that the following language be added to the Guidance to address how to use a medical certificate:

1. Contact the utility and tell them you have a medical emergency, and that you are seeking a medical certificate.
2. Contact your medical provider and ask them to complete the medical certificate form. You can use the Public Utility Commission’s standard medical certificate form, but it is not required. You can use a form provided by the utility or your medical provider can simply provide the required information (listed below) in writing.
3. You or your medical provider should fax or e-mail the form directly to the utility. Contact your utility to ask where the form should be sent.

We will adopt this language and most of the other suggestions for changes and additions to the Guidance reflected in Appendix B to CAUSE-PA’s Comments.[[5]](#footnote-5) We believe that these changes promote clarity in the Guidance and provide additional, relevant information to customers and medical professionals submitting medical certificates.

 Lastly, with respect to the Medical Certificate Guidance, we agree with Duquesne that the following statement is confusing: “For a medical certificate to be accepted by the public utility, a physician, physician assistance, or nurse practitioner must *call* or write the public utility . . .” (emphasis added). The Commission’s regulations require medical certificates to be in writing. 52 Pa. Code §§ 56.2, 56.113. Accordingly, we will modify the Guidance to state that a medical professional must provide the requisite information for a medical certificate in writing. We will also modify the Guidance to clarify that the medical professional need not always submit the medical certificate directly to the utility. Medical professionals may provide a medical certificate to the utility directly, or to the customer for the customer’s submission of the medical certificate to the utility.

We are including the updated Standard Medical Certificate Form and the updated Medical Certificate Guidance for consumers and medical professionals in this Order as Appendices A and B, respectively. These documents will be posted on the Commission’s website at [www.puc.pa.gov](http://www.puc.pa.gov), on the webpage for “Utility Assistance Programs.” Spanish versions of these documents will also be posted on the Commission’s website.

Additionally, the Commission agrees with CAUSE-PA and HELP: MLP that utilities should make these documents available through their websites to promote accessibility. The Commission directs all public utilities to post links to the Standard Medical Certificate Form and Medical Certificate Guidance on their website. This link may direct customers to the Commission’s webpage where the documents are posted or to the documents directly, as the utility deems appropriate.

**II. Other Court Orders**

In the Tentative Order, we maintained our prior position that, when presented with cases of domestic violence and PFAs, the Commission expects utilities to operate in good faith. We agreed that both utilities and the Commission should defer to groups with expertise in this area and, therefore, we declined to provide specific definitions for terms relevant to domestic violence. We noted that the Bureau of Consumer Services (BCS) has coordinated training for utilities with the Pennsylvania Coalition Against Domestic Violence (PCADV) in the past and will continue to do so. We encouraged utilities to contact their local PCADV for additional training. We also reminded utilities that they should consult with their in-house counsel and, if needed, experts, including PCADV, when presented with cases of domestic violence and PFAs or other court orders.

Additionally, we noted that Section 1417 of the Public Utility Code clearly states that Chapter 14 shall not apply to victims under a PFA. We agreed that PFAs, including those outside the Commonwealth, are entitled to the protections of the Commission’s regulations at Chapter 56, Subchapters L-V. We noted that, non-PFA court orders or court orders issued by a court of competent jurisdiction “in this commonwealth” are included in the protections of Subchapters L-V, while non-PFA court orders outside the Commonwealth are not included in those protections. We explained that the amended Chapter 14 statutory section prohibits certain foreign non-PFA orders from being capable of providing the additional customer protections of Subchapters L-V.

**A. Comments on Other Court Orders**

While PGW offered comments on medical certifications as discussed above and privacy guidelines as discussed below, PGW did not provide comments on court orders. *See gen’ly* PGW Comments.

As it pertains to court orders, PPL claims that relying on outside agencies and utilities’ in‑house legal resources to address questions regarding Section 1417 of the Public Utility Code is not a workable alternative to the Commission providing rules. PPL notes that electric distribution companies (EDCs) could adopt inconsistent policies and practices if requirements are vague. PPL also argues that it is inefficient and resource‑intensive for every court order to be reviewed by an EDC’s in‑house counsel and that inefficiencies may lead to delays in determining if a customer is entitled to domestic violence victim protection. PPL Comments at 3-4.

The OCA states that it supports the Commission’s determination that Protection From Abuse orders (PFAs) are valid and enforceable and are entitled to the protections of the Commission’s regulations at Chapter 56, Subchapters L-V. The OCA also notes that it supports the Commission’s determination that PFAs issued outside the Commonwealth are entitled to the same protection. OCA Comments at 6-7.

PECO proposes to accept a wide range of domestic violence orders and commits to reviewing PFA orders in good faith. PECO argues that the Commission should have an accelerated review process to allow customers to obtain review in instances where a utility concludes that the customer has not presented clear evidence of domestic violence. Additionally, PECO states that it supports the Commission’s position that non‑PFA court orders issued outside the Commonwealth are not subject to protections under the regulations at Chapter 56, Subchapters L-V. In this regard, PECO notes that Chapter 14 of the Public Utility Code identifies only two categories of orders for purposes of the domestic violence exemption: (1) PFAs, and (2) court orders issued by a court of competent jurisdiction in the Commonwealth. PECO Comments at 3-4.

EAP states that it supports the Commission’s conclusions in the Tentative Order regarding utilities operating in good faith, PFAs being subject to Subchapters L-V of the Chapter 56 regulations, including non-PFA court orders in the Commonwealth in the protections of Subchapters L-V, and not including non-PFA court orders outside the Commonwealth in those protections. EAP Comments at 4.

CAUSE-PA notes that the domestic violence exemption is intentionally broad in recognition of the fact that not all victims of domestic violence are able to obtain a PFA. CAUSE-PA states that it supports the Commission’s decision not to provide a formal definition of domestic violence and instead to refer utilities to seek technical assistance from experts. CAUSE-PA argues that utilities should consult with a professional if there are any questions around the dynamics of domestic violence and domestic violence victimization. CAUSE-PA also suggests that the definition of domestic violence may not be limited to the definition of “abuse” in the PFA Act because it would inappropriately restrict the applicability of the Chapter 14 exemption to only those who are able to obtain a PFA. CAUSE-PA Comments at 12-13.

Additionally, CAUSE-PA disagrees that other court orders, aside from PFAs, outside the Commonwealth are excluded from the Chapter 56 protections. CAUSE-PA notes that PCADV explained that court orders from other states can be authenticated by the Court of Common Pleas and that the PFA Act sets forth how to certify a PFA from another state. CAUSE-PA argues that, if a court order is recognized as effective and enforceable by a court of this Commonwealth, it becomes an order issued by a court of competent jurisdiction in this Commonwealth and is not prohibited from inclusion as an order that provides clear evidence of domestic violence. CAUSE-PA asks the Commission to recognize that orders outside the Commonwealth may gain effect through Pennsylvania courts and qualify for the exemption. CAUSE-PA Comments at 13-14.

CAUSE-PA also requests that the Commission adopt the additional processes identified in CAUSE-PA’s prior comments, although these processes were not adopted in the Tentative Order. These processes include screening customers to identify whether they are victims of domestic violence, transferring victims to a CARES team with the utility that is highly trained on domestic violence issues, and encouraging utilities to invite staff from local domestic violence programs to participate in the utility’s universal service advisory group. CAUSE-PA indicates that it agrees with the Commission’s suggestion that utilities seek training in domestic violence, but argues that a single training is not sufficient. CAUSE-PA suggests that training occur at least annually. CAUSE-PA also notes that local domestic violence agencies vary and, therefore, suggests that utilities reach out to PCADV as a first step. CAUSE-PA further recommends that utilities provide cross-training to local domestic violence programs about programs that could help survivors of domestic violence. CAUSE-PA Comments at 14-17.

Moreover, CAUSE-PA reiterates recommendations from its prior comments regarding the handling and retention of sensitive documentation and information from victims of domestic violence. CAUSE-PA also notes that the Commission’s current regulations offer significant protection for victims of domestic violence as being exempt from third party liability, including debt accrued by any third party. CAUSE-PA recommends that the Commission reinforce the third-party liability standards that apply to victims. CAUSE-PA Comments at 17-18.

While HELP: MLP offered comments on medical certificates as discussed above, it did not provide comments on other court orders. *See gen’ly* HELP: MLP Comments.

Duquesne claims that there is a lack of clarity regarding what orders constitute “other court orders.” In this regard, Duquesne argues that utilities are not equipped and should not be required to be equipped to make judgements about what constitutes domestic violence or judgments on the validity of other court orders. Duquense also argues that utilities’ call center representatives are not qualified to read and interpret legal documents and that examining evidence of domestic violence in court documents is beyond the scope of in-house lawyers’ knowledge and expertise. Duquesne asks the Commission to establish definitions, while also allowing room for utilities to exercise flexibility based on a customer’s unique circumstances. Duquesne Comments at 4-5.

The FirstEnergy Companies state that they do not have any proposed changes related to other court orders. The FirstEnergy Companies note that Chapter 56 provides sufficient explanation regarding the protections that apply to victims of domestic violence. FirstEnergy Comments at 1.

**B. Disposition on Other Court Orders**

We note that the parties generally agree that the Commission has appropriately resolved questions regarding which orders are entitled to the protections of Chapter 56, Subchapters L-V of the Commission’s regulations. The majority of the parties support the Commission’s determination that PFAs, including those outside the Commonwealth, and non-PFA court orders or court orders issued by a court of competent jurisdiction “in this commonwealth” are entitled to these protections, while non-PFA court orders outside the Commonwealth are not. We disagree with CAUSE-PA that the statute somehow encompasses court orders originally issued outside of a court of competent jurisdiction in the Commonwealth. As PECO notes, Section 1417 of the Public Utility Code provides only two categories for the domestic violence exemption: (1) PFAs, and (2) court orders issued by a court of competent jurisdiction in the Commonwealth. 66 Pa.C.S. § 1417.

Additionally, we recognize that some parties ask the Commission to provide specific definitions related to domestic violence, while other parties ask the Commission to avoid restrictive definitions due to the intentionally broad nature of the domestic violence exemption in Section 1417 and argue that utilities should be afforded flexibility based on a customer’s unique circumstances. Upon consideration of the totality of the comments, we continue to provide that the best option for utilities, with questions regarding domestic violence, within the parameters of Section 1417 is to consult with experts and expert organizations, such as the PCADV, for technical assistance. We wish to avoid narrow definitions of domestic violence since cases of domestic violence vary and may require consultation with experts. The Commission also seeks to afford utilities the flexibility necessary to apply the Section 1417 exemption to domestic violence victims and to avoid unnecessarily limiting application of the exemption.

We reiterate our expectation that utilities will operate in good faith when presented with cases of domestic violence. We continue to emphasize the need for utilities to undertake regular training regarding domestic violence with local domestic violence agencies and PCADV. We note that training opportunities are not limited to these organizations. Other organizations, such as the Public Utility Law Project (PULP) or the Energy Association of Pennsylvania (EAP), may offer training resources. We agree with CAUSE-PA’s suggestion that utilities should also offer cross‑training to local domestic violence programs, PCADV, and other organizations about utility programs that could help survivors of domestic violence. We encourage utilities to offer such training. Consulting with experts on cases of domestic violence, engaging in regular domestic violence training, and developing a relationship with organizations like PCADV will allow utilities to learn from experts and resolve concerns that utilities need more information on the subject with respect to the Section 1417 exemption.

**III. Privacy Guidelines**

In the Tentative Order, we explained that privacy guidelines are relevant to the Commission’s regulations at 52 Pa. Code §§ 56.93, 56.333 regarding personal contact. We noted changes to two of these sections in the *Final Rulemaking Order*. We further noted that the Commission does not currently allow the release of a customer’s telephone number for any purpose. We agreed that telephone numbers and e-mail addresses should not be shared with third parties absent express and clearly defined permission from the customer. Additionally, we proposed a separate and distinct notice for customers choosing to enroll in receiving electronic notifications at Sections 56.93 and 56.333. We stated that the notice should explain and inform the customer that enrolling is voluntary and that the purpose is to receive notification of a pending termination electronically and that consent should not be a check-box. We proposed that customers be able to revoke their consent at any time and by any clear means. We also proposed that utilities send a notice to all customers yearly reminding them to review their account information and the other electronic notifications the customer may have signed up to receive.

 **A. Comments on Privacy Guidelines**

With regard to privacy guidelines,PGW agrees that there should be a separate notice for customers enrolled in electronic notifications and that the notice should explain that enrollment is voluntary and that the purpose is to receive notification of a pending termination electronically. PGW encourages the Commission to establish guidelines for customers to elect to receive all communications electronically. PGW recommends that customers be enrolled in electronic notifications online, by mail, or over the telephone. PGW suggests that online enrollment include a notice regarding voluntary election and revoking consent, while mail and telephone enrollment involve a notice sent by mail or electronically. PGW agrees that customers should be able to revoke their consent at any time by any clear means. PGW also agrees that utilities should send a yearly notice to all customers asking them to review their account information, including electronic notifications. PGW suggests using a bill insert or bill message, or electronic means if elected. Overall, PGW argues that the guidelines should allow customers to determine how they receive communications, with no preference for mail. PGW Comments at 3.

 PPL proposes to add a separate option to its existing catalog of customer alerts. PPL states that customers who expressly consent to these types of notifications will receive electronic messages periodically as desired. PPL notes that it will also update its electronic communication consent form to inform customers that they are agreeing to receive electronic communications, including electronic termination notices. When customers consent to electronic communications, PPL will use a separate and distinct pop-out box that fully explains that the consent includes electronic termination notices. The text will explain the purpose of electronic termination notices, that receiving these notices electronically is voluntary, and that the customer can cancel participation at any time. PPL states that it will provide clear choices to confirm the customer’s decision, such as, “I Agree” or “I Disagree.” PPL also states that it will include a notice once a year in its *Connect* customer newsletter advising all customers to review and confirm their electronic communication choices. PPL Comments at 5.

 Additionally, PPL notes that it disagrees with comments that suggest electronic notification is inferior. PPL claims that it sees higher response rates with electronic communications and that data demonstrates that the most reliable way to reach customers is via email or text message. PPL also cites frequent mail delays and an unwillingness to answer calls from phone numbers that customers do not recognize as reasons for the use of emails or text messages to reach customers. PPL claims that the Commission’s regulations make it harder for customers to choose to receive electronic notifications and argues that the Commission should encourage EDCs to use electronic communications more. PPL notes that, if barriers to sign up for electronic termination notices are too high, customers will not sign up and will not be able to receive important information in the manner most likely to reach them. PPL Comments at 5-6.

 The OCA states that it supports the Commission’s determination that customers’ e-mail addresses and telephone numbers should not be shared with third parties absent express and clearly defined permission from the ratepayer. The OCA maintains that information provided by customers for personal contact should be treated as private information and should not be shared. The OCA also notes that it supports the use of a separate and distinct notice for ratepayers choosing to enroll in electronic notifications and that consent to receive such notification should not be a check-box. The OCA further states that it agrees that customers should be able to revoke consent at any time and by any clear means. Additionally, the OCA notes that it agrees that utilities should send a reminder to ratepayers on an annual basis so that they can review electronic notifications that they may have signed up to receive. OCA Comments at 7-9.

 Like the OCA, PECO supports the position that e-mail addresses and telephone numbers should not be shared with third parties absent permission from customers. In this regard, PECO notes that the Commission’s regulations provide specific guidance for maintaining the confidentiality of customer information. PECO also agrees that utilities should obtain customer consent before sending electronic notifications. However, PECO argues that utilities should have flexibility in the manner in which they are permitted to notify customers of the pending termination of service. PECO states that privacy guidelines should not be part of the Commission’s regulations and that the Commission should not be overly prescriptive. PECO also argues that privacy guidelines should not go beyond those imposed by federal law and points out that the suggestion that a customer’s consent cannot be a check-box goes beyond federal law. PECO also states that standalone consent to certain email communications is not necessary. PECO argues that utilities should be afforded flexibility to implement procedures based on their application processes, billing software, and online account management tools. Moreover, PECO notes that customer consent to the use of electronic means does not expire. PECO argues that allowing customers to revoke consent at any time by any clear means is burdensome for utilities. For example, PECO states that piecemeal revocation of one type of communication, but not another, *i.e.,* text message, but not email, is problematic. PECO argues instead that revocation be communicated by “any reasonable means.” Finally, PECO does not object to the proposal for utilities to send annual notices to customers to review their electronic notification preferences. PECO Comments at 5-8.

 Like PECO, EAP argues that the guidelines, not prescriptive regulations, are the best path forward in a future where technology and privacy issues are evolving. Regarding customer enrollment and consent, EAP suggests that utilities clearly indicate when/where customers provide their email addresses or mobile phone number that they are agreeing to permit the utility to contact them via email or text message for all routine matters, including billing, newsletters, service outage notices, and termination. EAP notes that, as long as the information is clearly explained at that time, a separate notice of consent for electronic notification for termination is not necessary. EAP Comments at 5.

 CAUSE-PA supports the general position that phone numbers and electronic contact information should not be subject to third party disclosure absent express and clearly defined permission. CAUSE-PA avers that additional clarity is necessary to safeguard personal identifiable information from disclosure. CAUSE‑PA seeks a separate statewide proceeding on data privacy guidelines. CAUSE-PA questions the purpose for which information may be disclosed, the parameters placed on a third party once disclosed, issues regarding profit from disclosure, and disclosure to government agencies. CAUSE-PA argues that, while consent for disclosure may be warranted in certain narrow circumstances, consent should always be specific and time-limited, should fully appraise the customer of the nature and purpose of the disclosure and the entities that could access information, and should require the customers to “opt in,” rather than “opt out.” CAUSE-PA states that utilities should not be permitted to sell data to third parties even with consent. CAUSE-PA Comments at 20-23.

Additionally, CAUSE-PA supports the Commission’s proposal that utilities obtain consent for electronic notice of termination through a separate and distinct notice and that customers can revoke consent at any time by any clear means. CAUSE-PA, however, avers that additional clarity is needed to ensure that consumers consent to receiving electronic notice of termination. CAUSE-PA asks that the Commission establish a clear signatory process for consent and argues that utilities should be required to obtain consent in writing. CAUSE-PA suggests the use of a standard consent form by utilities and the use of a two-step authorization process. CAUSE-PA also suggests that the Commission issue guidance regarding the information required to be included in electronic notices of termination. Further, CAUSE-PA recommends that the Commission clarify what may be considered “clear means” to revoke consent and require utilities to affirmatively verify customers consent and update the customer’s contact information during any non-emergency point of contact. CAUSE-PA also recommends that the annual reminder notices from utilities be provided in March each year at the end of the winter moratorium on utility terminations. CAUSE-PA Comments at 20, 23- 26.

 While HELP: MLP offered comments on medical certificates as discussed above, it did not provide comments on privacy guidelines. *See gen’ly* HELP: MLP Comments.

 Duquesne states that customers prefer electronic communications and that there are benefits to providing notice of termination by electronic means. For example, Duquesne notes that electronic communications allow a customer to be notified of a termination immediately so that the customers may rectify the situation more quickly. Duquesne also argues that electronic communication better protects a customer’s privacy because only the customer will see the notice. Additionally, Duquesne points to recent Commission action as supporting electronic communication. First, Duquesne argues that that the Commission’s move to electronic service on an opt‑out basis for formal complaints due to the COVID-19 pandemic supports greater use of electronic communication. Second, Duquesne notes that the Commission recently approved petitions from Duquesne and PPL to provide the triennial Eligible Customers List update communication electronically to all customers who have provided an email address, rather than only those receiving an electronic bill, as previously allowed. Duquesne Comments at 6-8.

Moreover, regarding a separate and distinct notice for customers enrolling in electronic notifications, Duquesne argues that such notice is not necessary if a customer elects to receive all communications electronically. If the Commission nonetheless moves forward with its proposal, Duquesne suggests that a clearly marked check-box is sufficient. Further, Duquesne states that it is not opposed to allowing customers to revoke consent at any time by any clear means. Duquesne, however, does not support the requirement for utilities to send a notice to all customers on a yearly basis to remind them to review their account information and electronic notifications. Duquesne notes that customers who have opted into electronic billing receive and pay an electronic bill on a monthly basis and, therefore, further reminder is unnecessary. Duquesne asks that, if the Commission moves forward with its proposal, utilities be given flexibility in how to deliver the reminder notice via email or bill message, which would be less expensive or burdensome than a separate mailing. Duquesne Comments at 8-9.

 The FirstEnergy Companies note that they do not currently utilize electronic messaging to customers during the service disconnection process, although they may do so in the future. The FirstEnergy Companies suggest that utilities be allowed to use an electronic-message-preference management tool to enable customers to choose which messages to receive electronically. The FirstEnergy Companies note that customers would have the option to receive some messages by traditional means and others electronically and to adjust their preferences at any time such that there is no need for a reminder each year. FirstEnergy Comments at 2.

 **B. Disposition on Privacy Guidelines**

Initially, we note that Section 1406 of the Public Utility Code mentions “the commission’s privacy guidelines” only in the context of notices of termination of service and, specifically, e-mail, text message, and other electronic messaging format for termination notices. 66 Pa.C.S. § 1406(b)(1)(ii)(C). Thus, the scope of this proceeding is limited to creating privacy guidelines pertaining solely to electronic termination notices. We decline to address privacy issues related to other types of electronic notices, and we reject the parties’ requests to create privacy guidelines for enrollment, consent, and other issues related to non-termination notices in this proceeding. The Privacy Guidelines set forth herein are limited to to electronic termination notices consistent with Section 1406.

Moreover, we agree with PECO and EAP that the Commission should use guidelines, not regulations, to address privacy issues. We previously explained that the General Assembly referred to “guidelines,” rather than regulations, in Section 1406 and referenced approval “by commission order.” 66 Pa.C.S. § 1406(b)(1)(ii)(C); *see* Final Implementation Order at 56. Therefore, guidelines are the appropriate vehicle to address privacy issues related to electronic termination notices. Further, we agree that any guidelines should not be overly prescriptive, given ever-changing technology.

With respect to the Privacy Guidelines, all parties generally agree that telephone numbers, e-mail addresses, and other electronic contact information should not be shared with third parties without customer permission. Accordingly, we reiterate that utilities should not share telephone numbers or e‑mail addresses with third parties absent express and clearly defined permission from customers. We agree with CAUSE-PA that customers should be notified of the nature and purpose of the disclosure. Additionally, we find that the Commission’s regulations for electricity generation and natural gas supply customer choice are instructive here with respect to customer “opt-in” versus “opt-out” provisions. *See* 52 Pa. Code §§ 54.8, 62.78(a). Consistent with these regulations, utilities should provide customers with a convenient method of notifying the utility of their desire to restrict the release of a telephone number or e-mail address.

With regard to consent for electronic termination notices, we disagree with some parties’ claims that enrollment in other types of electronic communications or the provision of a customer’s email address to a utility generally are sufficient to serve as consent for electronic termination notices. We remind the parties that Section 1406 of the Public Utility Code requires that, “[i]n the case of electronic notification only, the customer must affirmatively consent to be contacted using a specific electronic messaging format for purpose of termination.” 66 Pa.C.S. § 1406(b)(1)(ii)(D). Therefore, a separate and distinct consent notice is appropriate for electronic termination notices.

The consent notice should state that the purpose of the consent is to receive electronic termination notices, that receiving electronic termination notices is voluntary, and that the customer may revoke consent at any time by any clear means. We note that most parties support customers’ ability to revoke consent at any time by any clear means.

We also agree with PECO that utilities should be afforded flexibility in determining the method of obtaining customer consent based on the capabilities of the utility, including their application process, billing software, and online management tools. We note, however, that, since the electronic notifications pertain to termination of service, consent is of great importance. As such, we strongly encourage utilities to avoid the use of a check‑box to obtain consent. The Commission believes that a more robust form of consent will benefit both customers and utilities. For instance, using more than a check‑box may help ensure that customers are aware of their election and limit the number of complaints filed against utilities regarding a lack of notice for termination.

Finally, we maintain that utilities should send a notice to customers on an annual basis to remind them to review whether they elected to receive electronic termination notices. We recognize that some parties claim that this requirement is not necessary or is duplicative. We find, however, that this reminder to customers is important, at least at the outset, to ensure that customers receive termination notices in the manner of their choice. This reminder notice would also prompt customers to update any out-of-date telephone numbers or e-mail addresses. We note that we may revisit this requirement after some time has passed so that we can further evaluate whether the reminder notice is beneficial. In addition, we agree with PGW and Duquesne that utilities should be afforded an option regarding how to send the reminder notice to customers. At a minimum, however, utilities should provide the reminder notice using a customer’s preferred method of contact, if designated. The Commission also finds that a bill insert or bill message would be most appropriate in addition to a customer’s designated preferred method of contact. Further, we agree with CAUSE-PA that utilities should send reminder notices to customers in the first quarter of the year, noting that reminder notices are helpful to customers prior to the conclusion of the winter moratorium on utility service terminations. We encourage utilities to utilize this approach.

The Privacy Guidelines relevant to Section 1416 of the Public Utility Code and Sections 56.93 and 56.333 of the Commission’s regulations are included in this Order as Appendix C. As noted earlier, the Privacy Guidelines are intended to serve as an evolving document that may be revised when changes in technology occur in the future.

**Conclusion**

We again thank the stakeholders for their participation in this proceeding and for their helpful assistance during the collaborative process. Upon consideration of the comments filed by the stakeholders in response to the Tentative Order and for the reasons set forth herein, the Commission hereby issues this Order on the form of medical certificates, other court orders related to domestic violence, and privacy guidelines;

**THEREFORE,**

 **IT IS ORDERED:**

 1. That the Commission hereby adopts the Standard Medical Certificate Form, Medical Certificate Guidance, and Privacy Guidelines, attached as Appendices A, B, and C respectively, and as set forth herein.

 2. That the Standard Medical Certificate Form and Medical Certificate Guidance, attached as Appendix A and B respectively, shall be posted on the Commission’s website, [www.pa.puc.gov](http://www.pa.puc.gov), on the webpage for “Utility Assistance Programs” along with Spanish versions of the documents.

 3. That all public utilities shall post links to the Standard Medical Certificate Form and Medical Certificate Guidance, attached as Appendices A and B respectively, on their websites.

 4. That the Law Bureau shall deposit this Order and Appendices A, B, and C with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

 5. That a copy of this Order and Appendices A, B, and C shall be posted on the Commission’s website, [www.puc.pa.gov](http://www.puc.pa.gov).

 6. That the Secretary shall serve this Order and Appendices A, B, and C on all parties that submitted comments at Docket No. L-2015-2508421.

 7. That the proceeding at Docket No. L-2015-2508421 be marked closed.

**BY THE COMMISSION**

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: December 16, 2021

ORDER ENTERED: January 5, 2022

**APPENDIX A**

**STANDARD MEDICAL CERTIFICATE FORM**

|  |
| --- |
| **Name of the customer or applicant in whose name the utility account is or will be registered:** |
| **Utility account number (optional):**  |
| **Address of the customer or applicant in whose name the utility 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/medical condition:** |
| **Printed name of the Physician, Nurse Practitioner, or Physician’s Assistant:** |
| **License number 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 CERTIFICATE GUIDANCE**

**Guidance for Consumers:**

If you are behind on your utility 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 or someone in your household 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.

Below are steps for consumers regarding how to obtain a medical certificate and how to use a medical certificate:

1. Contact the utility and tell them you have a medical emergency, and that you are seeking a medical certificate.
2. Contact your medical professional and ask them to complete the medical certificate form. You can use the Public Utility Commission’s Standard Medical Certificate Form, but it is not required. You can use a form provided by the utility or your medical professional can simply provide the required information (listed below) in writing.

3. You or your medical professional should fax or e-mail the form directly to the utility. Contact your utility to ask where the form should be sent.

A licensed physician, nurse practitioner, or physician’s assistant must *sign* the medical certificate and include their *license number* on the medical certificate. The following information from the licensed physician, physician assistant, or a nurse practitioner is required *in writing* on a medical certificate:

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/person with medical condition and the relationship to the customer or applicant.
3. The anticipated length of the affliction/medical condition.
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. *However,* *you still have the responsibility to pay your current bills or your budget billing amount during the postponement and any renewal thereof.*

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. If you do not pay your current bills or budget bill amount, the utility is not required to accept more than two medical certification renewals.

*Should you need further financial assistance beyond what is afforded by a medical certificate and available renewals, the Commission urges you to contact your utility. Your utility can evaluate your eligibility for additional assistance programs. Additional financial assistance may also be available through federal or state programs. Please call Pennsylvania 211 by dialing “211” or visit* [*https://www.pa211.org/*](https://www.pa211.org/) *for other types of assistance available.*

**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 consumer’s 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.

Medical professionals may provide a medical certificate to the utility directly, or to the customer for the customer’s submission to the utility. A licensed physician, nurse practitioner, or physician’s assistant must *sign* the medical certificate and include their *license number* on the medical certificate. For a medical certificate to be accepted by the public utility, the licensed physician, physician assistant, or a nurse practitioner must provide *in writing* on the medical certificate:

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/person with medical condition and the relationship to the customer or applicant.
3. The anticipated length of the affliction/medical condition.
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.

This medical certificate information can be provided to a utility in any written format. The Public Utility Commission provides a Standard Medical Certificate Form on its website, [www.puc.pa.gov](http://www.puc.pa.gov). However, no particular form is required.

**APPENDIX C**

**Privacy Guidelines RElEVant to**

**66 Pa.C.S. § 1416 and 52 PA. Code §****§ 56.93, 56.333**

**Release of Customer Telephone Numbers and E-Mail Addresses:**

1. Public utilities should maintain the confidentiality of a customer’s telephone number and e‑mail address.
2. Public utilities should not release a customer’s telephone number or e-mail address to a third party unless the customer has been notified of the intent.
3. Public utilities should not release a customer’s telephone number or e-mail address to a third party absent express and clearly defined permission from the customer.
4. Public utilities should inform a customer of and provide the customer with a convenient method of notifying the utility of the customer’s desire to restrict the release of a telephone number or e-mail address.

**Customer Consent to Electronic Notifications for Termination:**

1. Public utilities should provide a separate and distinct consent notice to a customer enrolling to receive electronic notifications for termination.
2. The consent notice for electronic notifications of termination provided to the customer should include statements informing the customer that:
3. The purpose of the consent is to receive electronic notifications of termination;
4. Receiving electronic notifications of termination is voluntary; and
5. The customer may revoke consent at any time by any clear means.
6. Public utilities may exercise discretion in determining the method of obtaining customer consent to electronic notifications of termination. The Commission, however, strongly encourages utilities to avoid the use of a check-box for this notice.
7. Public utilities should allow a customer to revoke consent to receive electronic notifications of termination at any time by any clear means.

**Reminder Notices regarding Electronic Notifications of Termination:**

1. Public utilities should send a notice to a customer on an annual basis to remind the customer to review whether the customer elected to receive electronic notifications of termination.
2. Public utilities may exercise discretion in determining how to send the annual reminder notice to a customer. Public utilities should, at a minimum, provide the reminder notice using a customer’s preferred method of contact, if designated. The Commission encourages utilities to use a bill insert or bill message in addition to the customer’s preferred method of contact.
3. The Commission encourages public utilities to send the annual reminder notice to a customer in the first quarter of the year prior to the conclusion of the winter moratorium on service terminations.
1. Columbia filed a Letter in lieu of Comments stating that it already established its position through previously filed comments and through its participation in the working group. Columbia also notes that it generally agrees with and supports the Comments filed by EAP in this matter. [↑](#footnote-ref-1)
2. We agree with the suggestion to rename the proposed form for medical certifications for clarity. We will refer to this as the “Standard Medical Certificate Form.” The document will be marked accordingly. [↑](#footnote-ref-2)
3. In enacting Chapter 14 of the Public Utility Code, the General Assembly intended, in part, to protect responsible bill-paying customers from rate increases attributable to other customer’s delinquencies. The General Assembly identified these concerns in its declaration of policy, observing that increasing amounts of unpaid bills threaten “timely paying customers” with higher rates, and that Chapter 14 is intended to provide “greater equity” among all customers. 66 Pa.C.S. § 1402(1)-(2). We are required to ascertain and effectuate the intention of the General Assembly in our construction of statutes. 1 Pa. C.S. § 1921(a). [↑](#footnote-ref-3)
4. Like we did with the Standard Medical Certificate Form, we will rename the proposed guidance document as “Medical Certificate Guidance” for clarity. The document will be marked accordingly. [↑](#footnote-ref-4)
5. We will not adopt the following language as it is repetitive of statements already included in the Guidance: “You can renew your medical certificate twice regardless of payment, for a total of 90 days of protection from termination. If you pay your current charges or budget bill amount while protected from termination by a medical certificate, you may obtain additional medical certificates without limitation.” We also will not adopt the proposed changes regarding the number of medical certificates in the Guidance. The Guidance is referring to circumstances in which one medical certificate has been granted and two renewals are permitted. *See* 52 Pa. Code § 56.114 (“the number of renewals for the customer’s household is limited to two 30-day certifications filed for the same set of arrearages”). [↑](#footnote-ref-5)