

PENNSYLVANIA BULLETIN

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See Parts II, III and IV pages 4433,
4565 and 4697

for the Governor's Office's
Catalog of Nonregulatory
Documents Notice

Part I

Agencies in this issue

The Courts

Department of Aging

Department of Agriculture

Department of Banking and Securities

Department of Community and Economic
Development

Department of Environmental Protection

Department of Health

Environmental Quality Board

Executive Board

Fish and Boat Commission

Governor's Office

Independent Regulatory Review Commission

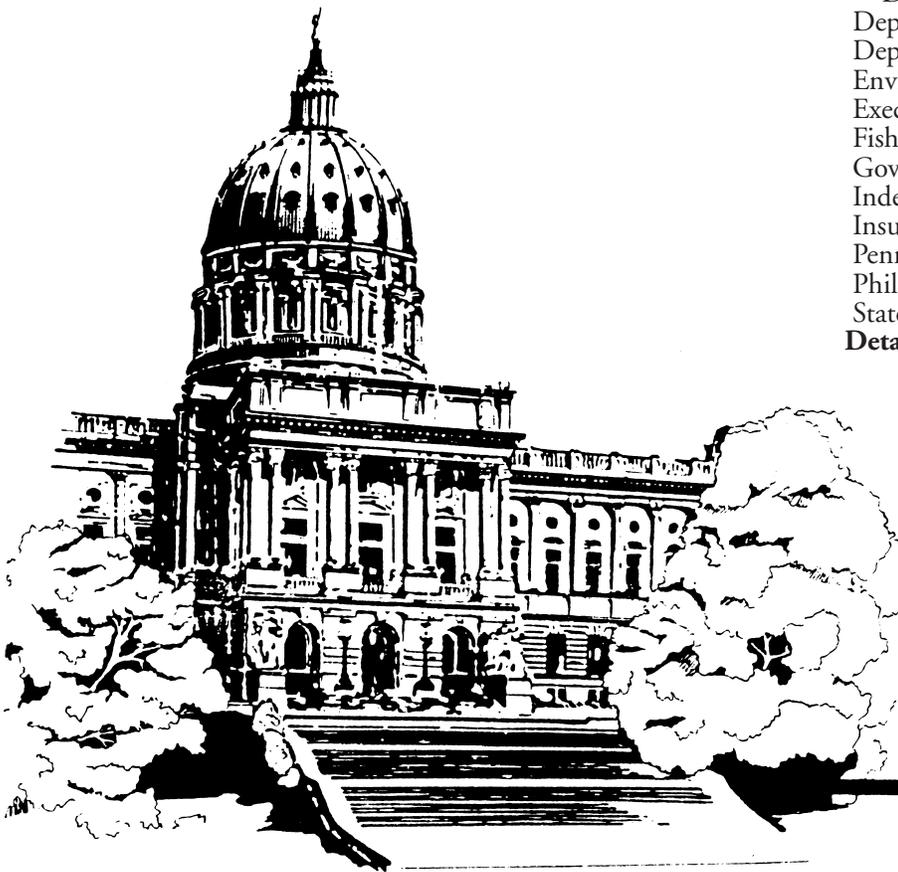
Insurance Department

Pennsylvania Public Utility Commission

Philadelphia Parking Authority

State Board of Physical Therapy

Detailed list of contents appears inside.



- In § 53.60(b), the “a” after “local exchange telecommunications companies” should be “and.”
- In § 64.2 (relating to Definitions), “competitive wire center” reads in part “. . .services have been declared or determined to be competitive by the Commission as competitive under 66 Pa.C.S. § 3016 (relating to competitive services).” We suggest that either “to be competitive” or “as competitive” be removed.

- In § 64.11 (relating to Method of payment), the “be” after “set forth” should be deleted in the new language.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 21-1259. Filed for public inspection August 6, 2021, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the dates noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or individuals can obtain a copy from the Commission’s web site at www.irrc.state.pa.us.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
11-259	Insurance Department Minimum Reserve Standards for Individual and Group Health and Accident Insurance Contracts	7/9/21	9/1/21
7-552	Environmental Quality Board Administration of the Land Recycling Program	7/14/21	9/1/21

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 21-1260. Filed for public inspection August 6, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

Physicians Mutual Insurance Company (SERFF # PHYS-132863495); Rate Increase Filing for Several LTC Forms; Rate Filing

Physicians Mutual Insurance Company is requesting approval to increase the premium an aggregate 36% on 104 policyholders with LTC forms: P103 and P104.

Unless formal administrative action is taken prior to October 22, 2021, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department’s web site at www.insurance.pa.gov (hover the cursor over the “Consumers” tab, then select “Pending Long Term Care Rate Filings”).

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 21-1261. Filed for public inspection August 6, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Public Utility Service Termination Moratorium, M-2020-3019244; COVID-19 Cost Tracking and Creation of Regulatory Asset M-2020-3019775

Public Meeting held
July 15, 2021

Commissioners Present: Gladys Brown Dutrieuille, Chairperson, Statement; David W. Sweet, Vice Chairperson; John F. Coleman, Jr.; Ralph V. Yanora

Public Utility Service Termination Moratorium, M-2020-3019244; COVID-19 Cost Tracking and Creation of Regulatory Asset, M-2020-3019775

Order

By the Commission:

On March 6, 2020, Governor Tom Wolf issued a Proclamation of Disaster Emergency (Proclamation) that identified the COVID-19 pandemic as a disaster emergency affecting the entire Commonwealth. On March 13, 2020, relying on both the Proclamation and the Commission’s authority under the provisions of Section 1501 of the Public Utility Code, Chairman Gladys Brown Dutrieuille issued an Emergency Order (March 13 Emergency Order), Docket No. M-2020-3019244, establishing a prohibition on the termination of public utility service and directing the

reconnection of service to customers previously terminated, to the extent it could be done safely, for the duration of the Proclamation, or until a time otherwise established by the Commission. The Commission ratified the March 13 Emergency Order by unanimous vote at its March 26, 2020, Public Meeting.

On October 13, 2020, the Commission entered an Order modifying the March 13 Emergency Order by initiating Phase 2 of the public utility service termination moratorium (October 13 Order). The October 13 Order continued the termination moratorium for “protected customers” at or below 300% of the federal poverty income guideline (FPIG), under certain conditions, and established additional protections for certain residential and small business customers. That termination moratorium and customer protections established by the October 13 Order were set to expire on March 31, 2021.

On March 18, 2021, the Commission issued another Order lifting the utility service termination moratorium and providing that disconnections could commence effective April 1, 2021. Additionally, the Commission ordered certain additional modifications and customer protections to existing collection policies for all electric, natural gas, water, wastewater, telecommunications, and steam utilities subject to the Commission’s jurisdiction until December 31, 2021. The Commission authorized extended and additional repayment arrangements under the Proclamation.

Finally, in the March 18, 2021, Order, the Commission recognized that compliance with the March 13 Emergency Order, the October 13 Order, and that Order, may increase expenses for utilities. Consistent with the May 13, 2020, Secretarial letter at Docket No. M-2020-3019775, the Commission directed that utilities shall continue tracking extraordinary, nonrecurring incremental COVID-19 related expenses and shall maintain detailed accounting records of such expenses. Additionally, the Commission authorized electric, natural gas, water, wastewater, steam, and all rate base/rate of return telecommunications utilities to create a regulatory asset for any incremental expenses incurred above those embedded in rates resulting from the directives contained in that Order. We noted that to be eligible for inclusion in a utility’s COVID-19 designated regulatory asset, the utility must maintain detailed records of the incremental extraordinary, nonrecurring expenses incurred as a result of compliance with the Commission’s March 13 Emergency Order, the October 13 Order, and the March 18 Order.

On June 10, 2021, the Pennsylvania Legislature passed a Concurrent Resolution (HR106) which terminated the Governor’s Proclamation of Disaster Emergency originally declared on March 6, 2020, and as amended and renewed, in response to COVID-19. In a related action, Governor Wolf signed into law HB 854 on June 11, 2021, which provides “temporary regulatory flexibility authority” to “Commonwealth agencies” which issued an Order suspending a regulatory statute prescribing the procedures for conduct of Commonwealth business, or an Order, rule or Regulation which was suspended under the authority of the Governor. Such Orders are extended until September 30, 2021, unless sooner terminated by the authority initially authorizing them.

In light of the termination of the Proclamation of Disaster Emergency and the “temporary regulatory flexibility authority” provided in HB 854, the Commission hereby revises the March 18, 2021, Order. Specifically, to conform with the requirements of HB 854, the Commis-

sion revises the expiration date of the March 18, 2021, Order from December 31, 2021, to September 30, 2021.

Individual Commission Orders issued pursuant to the October 13, 2020, and March 18, 2021, Orders will have the full force and effect of law and will remain viable, even if they address obligations and actions that extend beyond September 30, 2021.

Payment Arrangements

As noted, all payment arrangements for residential customers and small business customers established before September 30, 2021, pursuant to provisions of the October 13, 2020, and March 18, 2021, Orders, shall continue for the duration of the arrangement under the terms and conditions outlined in the March 18, 2021, Order. After September 30, 2021, payment arrangements must adhere to the provisions of the Public Utility Code and Commission regulations.

Extraordinary Expenses Incurred By Utilities

The Commission acknowledged in its March 18, 2021, Order that its COVID-19 related Orders may benefit customers and increase expenses for utilities. Consistent with our May 13, 2020, Secretarial letter at Docket No. M-2020-3019775, the Commission hereby confirms that utilities shall continue tracking extraordinary, nonrecurring incremental COVID-19 related expenses and shall maintain detailed accounting records of such expenses. Additionally, the Commission hereby confirms that electric, natural gas, water, wastewater, steam, and all rate base/rate of return telecommunications utilities are authorized to create a regulatory asset for any incremental expenses incurred above those embedded in rates resulting from the directives contained in this Order. To be eligible for inclusion in a utility’s COVID-19 designated regulatory asset, the utility must maintain detailed records of the incremental extraordinary, nonrecurring expenses incurred as a result of compliance with the Commission’s March 13 Emergency Order, the October 13 Order, the March 18, 2021, Order and this Order.

Additional Utility Quarterly Reporting Requirements

Pursuant to the March 18, 2021, Order all electric, natural gas, water, wastewater, telecommunications, and steam utilities subject to the Commission’s jurisdiction have been directed to report information to the Commission quarterly concerning accounts at risk of termination, aggregate dollars of arrears and the number of accounts disconnected for non-payment with dollar amounts owed, including CAP and non-CAP low-income accounts. The remaining reports under the March 18, 2021, Order are to be filed with the Commission by the 15th of July 2021, relevant to the 2nd quarter of 2021; by the 15th of October, relevant to the 3rd quarter of 2021; and by the 15th of January, relevant to the 4th quarter of 2021. Pursuant to Section 504 of the Code, 66 Pa.C.S. § 504, utilities shall continue to provide the outstanding reports through the fourth quarter of 2021.

Commission-Approved COVID-19 Protection Plans

All Commission-approved COVID-19 customer protection plans submitted by utilities before September 30, 2021, shall remain in full force and effect according to their individual terms; *Therefore,*

It Is Ordered That:

1. The Commission’s March 18, 2021, Order is hereby modified consistent with this Order.

2. The Law Bureau shall publish a copy of this Order in the *Pennsylvania Bulletin*.

3. This docket shall be marked closed upon the filing of the last quarterly utility report required by this Order, but no later than January 31, 2022.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: July 15, 2021

ORDER ENTERED: July 15, 2021

Statement of Chairperson Gladys Brown Dutrieuille

Today the Commission takes action to acknowledge the upcoming expiration of our temporary regulatory authority. Over the course of the COVID Pandemic the Commission issued numerous iterations of temporary policy orders to ensure that utility service was maintained, utility bills were affordable, and that the Commission was able to prudently effectuate its public duties. I would like to commend all Commission Staff and my fellow colleagues for their tireless efforts to navigate through these extraordinary policies.

The Commonwealth has taken definitive steps to move us forward toward normalcy; with mask mandates lifted, businesses opening, and vaccination numbers increasing. It is under this context that the General Assembly and the Governor have modified the underlying legal foundation giving this Commission extraordinary regulatory accommodation. First, the passage of House Resolution 106 ended the Governor's Proclamation of Disaster Emergency on June 10th. Also, the passage of House Bill 854 extended Commonwealth Agencies' temporary regulatory authority until September 30, 2021.

I am pleased to take this step today officially acknowledging the finite expiration of our temporary COVID policy powers as of September 30th. I highlight that all Commission Orders issued under our temporary authority before September 30th will remain in force and effect even if such orders directed measures which continue past September 30th.

Thank you.

Date: July 15, 2021

GLADYS BROWN DUTRIEUILLE,
Chairperson

[Pa.B. Doc. No. 21-1262. Filed for public inspection August 6, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before August 23, 2021. Filings must be made electronically through eFiling to the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by August

23, 2021. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account and accepting eService. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at www.puc.pa.gov by searching under the previously listed docket number or by searching the applicant's web site.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-2021-3027308. First Expresscare Transportation, LLC (524 Fairywood Street, Pittsburgh, PA 15205) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Allegheny, Beaver, Butler and Washington to points in Pennsylvania, and return.

A-2019-3027452. Tzadik Multiservice & Transportation, LLC (443 Pleasant Street, Minersville, Schuylkill County, PA 17954) persons, in limousine service, from points in Schuylkill County, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.*

A-2021-3027422. Meetinghouse Movers, LLC (444 West Norris Street, Philadelphia, Philadelphia County, PA 19122) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania. *Attorney:* Marc Davidson, Esquire, 290 King of Prussia Road, Suite # 110, Radnor, PA 19087.

Application of the following for the approval of the *right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.*

A-2021-3026938 and A-8913963. North Shore Shuttles, LLC, t/a NSS Taxi (533 Marshall Avenue, Pittsburgh, PA 15214) for the discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, persons in call or demand service, in the City of Pittsburgh, Allegheny County. Subject to the following general conditions: A. That the operating authority granted herein, or now held, or subsequently granted to the applicant to the extent that it is duplicative, shall not be construed as conferring more than one operating right. B. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property or rights, or both, to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may