



May 30, 2024

VIA E-File

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street, Filing Room
Harrisburg, PA 17120

Re: Regulations Governing the Public Utility Commission's General Provisions, 52 Pa. Code Chapters 1, 3, and 5 (relating to Rules of Administrative Practice and Procedure; Special Provisions; and Formal Proceedings); Docket No. L-2023-3041347

Request for Extension of Comment Period and Addition of Reply Comment Period

Dear Secretary Chiavetta,

On behalf of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), through its counsel at the Pennsylvania Utility Law Project, together with the Pennsylvania Office of Consumer Advocate (OCA), and Community Legal Services (CLS) (Joint Requesters), we submit this joint letter requesting an extension of the public comment period in the above-mentioned proceeding.

On December 20, 2023, the Commission entered the Notice of Proposed Rulemaking (NOPR) Order and Annex to amend 52 Pa. Code Chapters 1, 3, and 5. The Order includes provision of a 60-day public comment period with no reply comment period, noting that the comment period will open upon publication in the *Pennsylvania Bulletin*.

On May 1, 2024, the Commission issued a Secretarial Letter providing notice that the Pennsylvania Office of Attorney General (OAG) issued a tolling memorandum on April 10, 2024, pausing the running of the period of the time for the Commission to deliver the NOPR to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* and the opening of the public comment period.

While the NOPR is not yet formally open for public comment, for the reasons detailed below, the Joint Requesters request that the Commission extend the public comment period from 60 to 90 days and add a 45-day reply comment period.

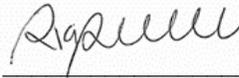
The Joint Requesters are concerned that their respective abilities to fully engage in this foundational rulemaking will be severely constrained by the current volume of large-scale litigation pending before the Commission. This includes over \$2 billion in rate proposals of seven major gas, electric, and water utilities and multiple default service proceedings, all with overlapping hearing, briefing, and comment deadlines, all of which will fall within the same timeframe anticipated for this critically important rulemaking. This volume of interceding litigation is truly unprecedented and presents a tremendous burden on consumers and consumer groups.

Chapters 1, 3, and 5 of the Commission's regulations govern the procedures in formal proceedings and set the rules for how consumers can engage directly in decisions that deeply impact their lives and livelihoods. It is imperative that the comment period be held over a period when advocates, consumers, and other stakeholders are able to fully participate in the proceeding.

In addition to seeking an extension of the initial comment period, the Joint Requesters also request the addition of a reply comment period to provide commenters the opportunity to exchange thoughts and ideas as to how proposed regulatory changes may impact various entities and customers. The Commission has traditionally provided the opportunity for reply comments in rulemaking proceedings,¹ and the Joint Requesters request that the same offering be applied to this NOPR. Chapters 1, 3, and 5 are procedurally complex, and will have far-ranging impacts on the rights and ability of consumers to access relief from the Commission. Allowing the opportunity for responsive comments will help enrich the Commission's deliberations, ensuring ideas raised in parties' initial comments are more fully vetted across a range of stakeholders.

In sum, during this unprecedented time of high-volume, truncated litigation before the Commission, an extension of the stakeholder comment period and the addition of a reply comment period would help ensure that all interested stakeholders have the opportunity to fully engage in this public proceeding, especially advocates like the OCA, CAUSE-PA, and CLS which respectively have limited staff to dedicate to the volume of important matters before the Commission. Proposed regulatory amendments to these three chapters require detailed review and time to explore the potential impact on all utilities and ratepayers. The Joint Requesters therefore request that the Commission modify the comment period to 90 days and follow the initial comment period with a 45-day reply comment period. Granting these requests would better allow for engaged, meaningful stakeholder participation in the regulatory review process for this NOPR.

Respectfully Submitted,



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¹ *See* Rulemaking to Implement Act 120 of 2018 at 52 Pa. Code Chapters 65 and 66, Notice of Proposed Rulemaking Order, Docket No. L-2020-3019521, p. 38 (Order entered September 17, 2020); Application of 52 Pa. Code § 3.501 to Certificated Water and Wastewater Utility Acquisitions, Mergers, and Transfers, Notice of Proposed Rulemaking Order, Docket No. L-2020-3017232, p. 37 (Order entered December 16, 2021); Use of Fully Projected Future Test Year, 52 Pa Code Chapter 53.51-53.56a, Clarified Notice of Proposed Rulemaking Order, Docket No. L-2012-2317273, pages 39-40 (Order entered August 24, 2022); Initiative to Review and Revise the Existing Low-Income Usage Reduction Program (LIURP) Regulations at 52 Pa. Code § 58.1-58.18, Notice of Proposed Rulemaking Preamble, Docket No. L-2016-2557886, p. 101 (Order entered May 18, 2023, amended October 31, 2023).