



COMMONWEALTH OF PENNSYLVANIA

February 4, 2025

**E-FILED**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
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**

Dear Secretary Chiavetta:

Enclosed please find the Office of Small Business Advocate’s (“OSBA”), Comments and Recommendations to the Clarified Notice of Proposed Rulemaking Order, in the above-referenced proceeding.

Our primary concern pertains to 52 Pa. Code Chapter 1, sections 1.21 and 1.22 regarding “the Appearance” and “the Appearance by an Attorney or Certified Legal Intern.” These sections pertain to amending the rules to allow small businesses to self-represent their cases in front of the Pennsylvania Public Utility Commission. Several Pennsylvania business organizations have written letters in support of this amendment which are attached as Exhibits A through E. Below are quotes from said letters of support.

- A. African American Chamber of Commerce of PA, NJ, and DE**  
*“We respectfully urge the Pennsylvania Public Utility Commission to consider this policy adjustment in recognition of the unique financial constraints small businesses across the Commonwealth face. This amendment would enable these businesses to make informed financial decisions while ensuring they have access to fair representation before the PUC.”*
- B. Butler County Chamber of Commerce**  
*“They often lack the financial resources to budget for legal expenses.”*
- C. Chamber of Business and Industry for Centre County**  
*“Consequently, these businesses are often left with no recourse to advocate for their rights on critical issues such as service quality, rate increases, illegal*

*shutoffs, or incorrect billing.”*

**D. City of Philadelphia Department of Commerce**

*“This requirement presents a substantial financial burden, which many small business owners simply cannot afford. For many, the costs associated with legal representation act as a barrier to accessing the regulatory process and advocating for their interests, particularly in matters that can have a direct impact on their operations.”*

**E. National Federation of Independent Business**

*“The government already has a heavy hand on small businesses through regulation, licensing, compliance, inspections, audits, etc., it’s time we let the business owner decide whether they need to seek counsel, rather than being mandated by the government.”*

If you have any questions, please do not hesitate to contact me.

Sincerely,

*/s/ Rebecca Lyttle*

Rebecca Lyttle  
Assistant Small Business Advocate  
Attorney ID No. 201399

Cc: Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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**OFFICE OF SMALL BUSINESS ADVOCATE’S  
COMMENTS & RECOMMENDATIONS TO THE  
CLARIFIED NOTICE OF PROPOSED RULEMAKING ORDER**

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The Pennsylvania Office of Small Business Advocate (“OSBA”) offers the following Comments and Recommendations to the Public Utility Commission’s (“Commission” or “PUC”) proposed amendments to Regulations 52 Pa. Code Chapters 1, 3, and 5 (relating to Rules of Administrative Practice and Procedure; Special Provisions; and Formal Proceedings).

**BACKGROUND**

The Pennsylvania Office of Small Business Advocate (“OSBA”) is an independent agency representing small businesses with 250 or fewer employees in regulated utility matters before the PUC, courts, and state and federal regulatory agencies.

Before 1988, small businesses lacked representation in matters before the PUC. While residential and low-income consumers had advocates and large commercial and industrial customers had support from private law firms, small businesses were mostly left without representation. This lack of representation often resulted in small business utility consumers shouldering a disproportionate share of rate increases. Given that small businesses account for

99.6% of all businesses in the Commonwealth, this disparity had a significant impact on Pennsylvania's economy.<sup>1</sup>

To address this issue, the Legislature established the Pennsylvania Office of Small Business Advocate. The only one of its kind in the nation, the OSBA was created by the Pennsylvania General Assembly through the Small Business Advocate Act of December 21, 1988, 73 P.S. § 399.41, et seq.

Today, the OSBA advocates on behalf of 1.1 million small businesses and plays a vital role in ensuring their voices are heard.<sup>2</sup>

**I. PROPOSED AMENDMENTS TO CHAPTER 1 - RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE**

**52 Pa. Code § 1.7. Sessions of the Commission**

Proposed Change: Section 1.7 would be amended to incorporate livestreamed and/or telephone public meetings.

**OSBA Comments:**

The OSBA agrees with this amendment. Many small businesses are unable to attend meetings in person.

**52 Pa. Code § 1.8 Definitions**

**OSBA Recommendation:**

“**Small Business**” The OSBA recommends that the definition of small business be included in this section.

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<sup>1</sup> <https://business.pa.gov/pa-proud/small-businesses-in-pennsylvania/>

<sup>2</sup> *Id.*

*"Small Business." A person, sole proprietorship, partnership, corporation, association, or other business entity which employs fewer than 250 employees, and which receives public utility service under a small commercial, small industrial or small business rate classification.*

This definition is borrowed from Pennsylvania Statutes Title 73 P.S. § 399.42 and will ensure that the amendment explicitly includes small businesses in the list of identified parties allowed to file legal complaints with the Commission.

“**Filing User**” would be amended to include corporations and municipal corporations, which were previously included in the definition of “person,” and to provide the PUC's updated website URL.

**OSBA Recommendation:**

“Filing User” should be amended to include small businesses.

*Filing User*—A person [who has], a [small business], corporation, or municipal corporation registered to use the electronic filing system in accordance with the registration instructions available on the Commission’s website at [<http://www.puc.state.pa.us/>]

“**Intervenor**” would be amended to include corporations and municipal corporations, which were previously included in the definition of “person.”

**OSBA Recommendation:**

“Intervenor” should be amended to include small businesses.

*Intervenor*—A person, corporation, [small business], or municipal corporation intervening or petitioning to intervene as a party as provided by §§ 5.71—5.76 (relating to intervention).

“**Party**” would be amended to include “corporation” and “municipal corporation” in light of the proposed change to the definition of “person.”

**OSBA Recommendation:**

“Party” should be amended to include “small businesses.”

*Party:* A person, corporation, [small business], or municipal corporation who appears in a proceeding before the Commission.<sup>3</sup>

“**Principal**” would be amended to replace the reference to “a party” with “an individual” who can take action on behalf of a partnership, association, corporation, or municipal corporation, and to clarify that the individual can authorize counsel to take specified action on behalf of a partnership, association, corporation, or municipal corporation.

**OSBA Recommendation:**

“Principal” should be amended to include “small businesses.”

*Principal:* [A party with] An individual within a [small business], partnership, association, corporation, or municipal corporation that has the requisite power to authorize or direct [its] counsel for the [small business], partnership, association, corporation, or municipal corporation

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<sup>3</sup> Clarified Notice of Proposed Rulemaking Order, Page 6.

to enter into stipulations or settlement agreements on behalf of a [small business], a partnership, association, corporation, or municipal corporation.

### **52 Pa. Code § 1.15. Extensions of Time and Continuances**

Proposed Change: Section 1.15(b) would be amended to add “to the extent possible” to the end of the section, regarding when requests for continuances should be filed.<sup>4</sup>

#### **OSBA Comment:**

The OSBA agrees with the proposed amendment to Section 1.15(b) to add “to the extent possible” language to the end of this section, regarding when requests for continuances should be filed. The amendment serves to acknowledge there are circumstances that may prevent requests for continuance of hearings submitted at least (5) days prior to the hearing date and providing an explicit provision within the code for administrative law judges to consider allowances of submissions within the (5) day window based on the circumstances in question.

### **Pa. Code § 1.21. Appearance**

Proposed Changes<sup>5</sup>: The title of Section 1.21 would be amended to “appearance in non-adversarial or informal proceedings” to clarify that it deals with appearances in PUC non-adversarial and informal proceedings only. The text of Section 1.21 would be amended to change “person” to “party” to specify who can appear on behalf of a party involved in a non-adversarial or informal PUC proceedings. Section 1.21(c) would be amended to allow a non-attorney third

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<sup>4</sup> Clarified Notice of Proposed Rulemaking Order, Page 9.

<sup>5</sup> Clarified Notice of Proposed Rulemaking Order, Page 11.

party representative holding the power of attorney for an individual consumer to represent that individual during periods of disability or incapacity, or both.

**OSBA Comment and Recommendation:**

The OSBA agrees with the proposed amendments to Section 1.21; however, we recommend that “small businesses” be explicitly included in the group(s) to which the amendment applies. This recommendation is accomplished by accepting our earlier recommendation to include the term “Small Business” in the Section 1.8 definitions.

**52 Pa. Code § 1.22. Appearance by Attorney or Certified Legal Intern**

Proposed Changes<sup>6</sup>: The title of Section 1.22 would be amended to “appearance in adversarial proceedings” to clarify that is dealing with appearances in PUC adversarial proceedings only. The amended section would define who can appear on behalf of a party involved in an adversarial proceeding. The proposed amendments also include “corporations” and “municipal corporations” in order to provide consistency with the proposed amended definition of “party” set forth in Section 1.8. Section 1.22(a) would be amended to allow an authorized corporate official to represent small businesses or partnerships in adversarial proceedings, and to allow a non-attorney third party representative holding the power of attorney for an individual consumer to represent that individual during periods of disability or incapacity, or both. Section 1.22(b) would be amended by removing the existing language and replacing it with language concerning representation before the Commission in adversarial proceedings. Section 1.22(c) would be amended by deleting the existing language and replacing it with language stating that Section

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<sup>6</sup> Clarified Notice of Proposed Rulemaking Order, Pages 12 and 13.

1.22(b) supersedes 1 Pa. Code § 31.22 (relating to appearance by attorney). Section 1.22(c) is also amended by inserting the language currently existing at 1.22(b) concerning appearance by attorneys not licensed to practice in the Commonwealth. The proposed amendments to Section 1.22 are intended to adequately show that corporations and municipal corporations are subject to this section and clearly state who can appear on their behalf in an adversarial proceeding.

**OSBA Comment and Recommendation:**

The OSBA agrees with the proposed amendments to Section 1.22. In addition, further to the PUC’s request for comment on a prospective definition for “small business”, the OSBA reiterates its recommended definition of “small business” as follows:

*"Small Business" A person, sole proprietorship, partnership, corporation, association, or other business entity which employs fewer than 250 employees, and which receives public utility service under a small commercial, small industrial or small business rate classification.*

There are several Commonwealth government departments and agencies that allow an individual to represent themselves, without an attorney, at a hearing.

- A. **Board of Finance and Review:** Title 61 Section 701.6 of which provides: (a) The Board may require in any case that a power of attorney, signed and executed by the petitioner or claimant, be filed with the Board before recognizing any person or persons as representing the petitioner or claimant. (b) Only an attorney-at-law representing any petitioner or other applicant in any proceeding before the Board, or an applicant acting in his own behalf, shall be permitted to raise any legal question in any petition or application filed with the Board or to argue or discuss any legal questions at a hearing before said Board. Any person who is

found, after notice and due hearing, not to possess the requisite qualifications to represent others before the Board, may be temporarily or permanently denied the privilege of practicing before the Board in any capacity.

- B. **Department of Environmental Resources:** Title 25 of the Pennsylvania Code contains regulations pertaining to procedures before the Environmental Hearing Board of the Department of Environmental Resources. Section 21.21 of Title 25 provides: (a) An individual may appear in his own behalf; a partnership may be represented by its members; a corporation or association may be represented by its officers; and an authority or governmental agency, other than the Department, may be represented by an officer or employee.
- C. **Department of Revenue:** Title 61 of the Pennsylvania Code Section 7.5 of the Code, which governs procedures before the Board of Appeals, provides in pertinent part: (b) Representation (1) An individual may appear on his own behalf or be represented by a person possessing the requisite technical education, training, or experience. There is no requirement that a petitioner be represented before the Board by an attorney or certified public accountant. (2) Only an attorney-at-law representing a petitioner, or the petitioner acting without representation before the Board, shall be permitted to raise or argue a legal question at a hearing before the Board. It is further provided that [a] action before the Board taken by petitioner's authorized representative shall have the same force and effect as if taken by the petitioner.
- D. **Federal Communications Commission (FCC):** Any party may appear before the Federal Communications Commission and be heard in person or by his

attorney. 47 C.F.R. 1.21(a) (1990). Where a corporation appears before the Commission, whether a representative may appear before the Commission may depend upon whether the hearing is evidentiary in nature. Where the matter has not been designated for an evidentiary hearing, a duly authorized corporate officer or employee may act for the corporation. Where the matter does entail an evidentiary hearing, the presiding officer, in his discretion, may allow such an authorized corporate officer or employee to be heard. 47 C.F.R. 1.21(d) (1990) (emphasis added). Section 1.25 of the regulations provide for when former Commissioners and employees practice before the Commission.

E. **Pennsylvania Securities Commission:** The 1972 Pennsylvania Securities Act (70 Pa. C.S.A.) does not contain any provisions as to practice before the Pennsylvania Securities Commission. Therefore, reference to 1 Pa. Code 31.21-31.28 is necessary. That section states an individual may appear on his own behalf. A member of a partnership may represent the partnership; a bona fide officer of a corporation, trust or association may represent the corporation, trust or association; and an officer or employee of another agency or of a political subdivision may represent the agency or political subdivision in presenting any submittal to an agency subject to these rules. Parties, except individuals appearing in their own behalf, shall be represented in adversary proceedings only under 31.22 (relating to appearance by attorney).

F. **Unemployment Compensation Board:** Title 34 of the Pennsylvania Code 101.41, a claimant may be represented before the Unemployment Compensation Board or referee by counsel or other authorized agent. There is no

other reference in this board's regulations regarding representation of a claimant by counsel.

- G. **Workmen's Compensation Board:** Title 77 does not contain any provisions as to practice before the Board. Only by implication is representation by counsel indicated. On contested cases regarding liability provides for a reasonable sum for costs incurred for attorney's fees, etc. Apparently, a pro se petitioner may represent himself and gain an award without the assistance of counsel.

### **52 Pa. Code § 1.31. Requirements for Documentary Filings**

Proposed Changes: Section 1.31(c)(3) would be amended to include “corporation” and “municipal corporation” in addition to “person.”<sup>7</sup>

#### **OSBA Recommendation:**

The OSBA recommends that in addition to amending Section 1.31(c)(3) to include corporations and municipal corporations, [small business] should also be included as a qualifying entity.

## **III. PROPOSED AMENDMENTS TO CHAPTER 5 - FORMAL PROCEEDINGS**

### **52 Pa. Code § 5.53. Time of Filing**

Proposed Changes: Section 5.53 would be amended to provide for a 30-day period from the date of publication in the Pennsylvania Bulletin in which to file protests to applications, with modifications to this protest period being granted for good cause shown.<sup>8</sup>

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<sup>7</sup> Clarified Notice of Proposed Rulemaking Order, Page 16.

<sup>8</sup> Clarified Notice of Proposed Rulemaking Order, Page 38.

**OSBA Comment:**

The OSBA *opposes* reducing the 60-day time-period. The proposed change suggests going from a 60-day time-period to a 30-day time-period to file protests. While the OSBA appreciates the efforts of the Pennsylvania Public Utility Commission to endeavor to improve the efficiency of application processing times, the volume of applications within the OSBA’s mandate has increased, and a statutory reduction in the filing window will strain the OSBA’s, and potentially other parties’ capacity which could hinder the ability to effectively represent the interests of our small business consumers.

**52 Pa. Code § 5.72. Eligibility to Intervene**

Proposed Changes: The heading of Section 5.72(a) would be amended to replace “Persons” with “Parties.” Section 5.72(a) would also be amended to include “corporation” and “municipal corporation” in addition to “person.”

**OSBA Comment and Recommendation:**

The OSBA agrees with the proposed amendment provided it is amended to explicitly include “Small Business” in the “eligibility to intervene.”

**SUMMARY**

Allowing small businesses to represent themselves, could save them time, resources, and finances, preventing a financial drain on their overall revenue and ensuring they could still participate without the burden of additional costs associated with hiring an attorney. The OSBA recommends that the Commission should align itself with other Commonwealth Departments

and/or agencies that permit an individual to represent themselves in department and/or agency hearings without the need for an attorney.

**CONCLUSION**

In view of the foregoing, the OSBA respectfully requests that the Commission issue a Final Implementation Order consistent with the OSBA's comments/recommendations above.

Respectfully submitted,

/s/ Rebecca Lyttle

Rebecca Lyttle  
Assistant Small Business Advocate  
Office of Small Business Advocate

For: NazAarah Sabree  
Office of Small Business Advocate

DATE: February 4, 2025

# EXHIBITS

(Exhibits A through E)



# AFRICAN-AMERICAN CHAMBER OF COMMERCE

Pennsylvania ♦ New Jersey ♦ Delaware

**BOARD OF DIRECTORS  
EXECUTIVE COMMITTEE**

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**James Sanders**

**Melonease Shaw**

**Regina A. Hairston, MPA**  
*President & CEO*

Lincoln Plaza  
3020 Market St | Suite 520  
Philadelphia, PA 19104  
Tel: (215) 751-9501

[info@aachamber.org](mailto:info@aachamber.org)  
[www.aachamber.com](http://www.aachamber.com)

November 6, 2024

The Honorable Members of the  
Pennsylvania Public Utility Commission  
400 North Street  
Keystone Bldg.  
Harrisburg, PA 17120

Dear Commissioners,

On behalf of the African American Chamber of Commerce (AACC) and the more than 80,000 Black-owned businesses we proudly represent across Pennsylvania, I am writing to respectfully advocate for a policy change that would allow small businesses to represent themselves before the Pennsylvania Public Utility Commission (PUC) in cases where legal counsel may not be necessary.

Currently, Pennsylvania requires small Black-owned businesses to engage legal representation to have their grievances heard before the Commission. While we recognize the importance of legal expertise in navigating complex regulatory matters, many grievances these businesses present are straightforward, such as disputing a billing error or addressing service-related concerns. Requiring legal representation in these instances creates an unnecessary financial burden, often deterring small businesses from pursuing legitimate claims simply due to the cost barrier of securing legal services.

Carefully allocating financial resources is crucial for many of these small businesses. Requiring them to divert funds to legal fees for relatively minor issues places an unnecessary strain on their financial stability, particularly for family-owned and sole-proprietorship businesses contributing to our local economy. Enabling small businesses to self-represent in uncomplicated cases would promote equitable access to justice and foster a more inclusive regulatory environment. This change would support small businesses by providing a cost-effective path to fair representation, especially for those without the financial flexibility to engage legal counsel for issues that do not require it.

AACC does not propose that small Black-owned businesses forgo legal representation in cases that involve complex legal principles or technical regulatory matters. We recognize that some instances require specialized legal acumen, and we encourage business owners to exercise discernment in securing professional legal assistance for such instances. However, small business owners should be empowered to present their case directly to the Commission for isolated charges or routine service disputes.

We respectfully urge the Pennsylvania Public Utility Commission to consider this policy adjustment in recognition of the unique financial constraints small businesses across the Commonwealth face. This amendment would enable these businesses to make informed financial decisions while ensuring they have access to fair representation before the PUC.

Thank you for considering this important matter and your ongoing efforts to create a balanced and accessible regulatory framework.

I confirm that the Office of Small Business Advocate (OSBA) has my permission to include this letter in their official comments to the PUC.

Regina A. Hairston  
President and CEO

# BUTLER COUNTY CHAMBER OF COMMERCE

Serving the local business community since 1896.

*"We Mean Business"*

The Office of Small Business Advocate ("OSBA") has my permission to attach this document to support the comments that they will be submitting. Please feel free to contact me at the email below with any questions.

**Name:** Jordan Grady

**Title:** President

**Chamber:** The Butler County Chamber of Commerce

**Address:** 130 S. Main St. Ste. 1. Butler, PA 16001

**County:** Butler

**Number of Small Business Members:** 700+

**General Comments:** To my knowledge, none of our small business members have filed a complaint with the PUC. A very limited number of small businesses—particularly those that are larger but still meet the definition—can afford legal counsel. Small businesses are currently navigating some of the most challenging economic times in history. Most of these businesses are run by owner/operators who deeply understand the problems they face and possess the professional expertise to fight for their long-term survival. However, they often lack the financial resources to budget for legal expenses, especially when the owner is already equipped with the knowledge and experience to advocate effectively.

It is essential that small businesses have the ability to represent themselves and continue to punch above their weight, competing against larger entities. The Butler County Chamber of Commerce fully supports their right and constitutional freedom to thrive, as well as the efforts of the Office of Small Business Advocate to ensure this becomes a reality.

Sincerely,



Jordan Grady

President

Butler County Chamber of Commerce

[jordan@butlercountychamber.com](mailto:jordan@butlercountychamber.com)



131 S. Fraser St., Ste. 1  
State College, PA 16801

814-234-1829

[www.cbicc.org](http://www.cbicc.org)

January 27, 2025

Nicole Tillman, Executive Director  
Pennsylvania Office of Small Business Advocate  
Forum Place  
555 Walnut Street, 1st Floor  
Harrisburg, PA 17101

Dear Ms. Tillman,

On behalf of the Chamber of Business and Industry of Centre County (CBICC), I am writing to express our strong support for the Pennsylvania Office of Small Business Advocate's (OSBA) efforts to amend the Pennsylvania Utility Commission's (PUC) regulations regarding business representation. This proposed change, as outlined in the PUC's Notice of Proposed Rulemaking (NOPR), would allow small businesses in Pennsylvania to represent themselves before the PUC.

Under the current PUC regulations, small businesses are required to hire legal representation to file a complaint or address disputes with their utility company. This presents a significant financial barrier for many small businesses, which may not have the resources to retain an attorney. Consequently, these businesses are often left with no recourse to advocate for their rights on critical issues such as service quality, rate increases, illegal shutoffs, or incorrect billing.

The proposed amendment would align PUC regulations with the practices of other agencies, such as the Federal Communications Commission, Pennsylvania Department of Environmental Resources, Pennsylvania Department of Revenue, Pennsylvania Unemployment Compensation, and Pennsylvania Securities Commission, all of which permit small businesses to represent themselves. This change would provide small businesses with an option for greater flexibility and accessibility, empowering them to navigate utility-related issues without unnecessary financial strain.

As highlighted in the Centre County Economic Development Strategic Plan, small businesses are the backbone of our local economy, driving job creation and fostering innovation. Removing this restrictive requirement will encourage more equitable participation, enabling small businesses to advocate for themselves effectively and protect their interests. Importantly, this change does not diminish the right of a small business to hire legal counsel but simply offers a fair alternative that many business owners need.

We commend the Pennsylvania Office of Small Business Advocate for championing this critical amendment and ensuring that small businesses have an avenue to seek fair treatment without

undue financial hardship. We urge the Pennsylvania Public Utility Commission to adopt this proposed change to foster a more equitable regulatory environment for Pennsylvania's small businesses.

Thank you for your leadership and continued dedication to supporting the small business community. Please feel free to contact me at 814-234-1829 or [greg@cbicc.org](mailto:greg@cbicc.org) if you have any questions or require additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'G. Scott', with a long horizontal line extending to the right.

Greg Scott  
President, CEO  
Chamber of Business and Industry of Centre County (CBICC)



CITY OF PHILADELPHIA

**DEPARTMENT OF COMMERCE**

One Parkway Building  
1515 Arch Street, 12th Floor  
Philadelphia, PA 19102  
P: 215-683-2100

Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
2nd Floor, Room-N201  
Harrisburg, PA 17120

December 2, 2024

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)

To Whom It May Concern:

On behalf of the City of Philadelphia, I am writing to respectfully request that the Public Utility Commission (PUC) reconsider its proposed changes to PA Code Chapters 1, 3, and 5 – specifically Code sections 1.21 and 1.22 regarding “the Appearance” and “the Appearance by an Attorney or Certified Legal Intern” when businesses file a formal complaint or are in a non-adversarial matter.

Small businesses comprise a significant portion of Philadelphia's economy. There are nearly 25,000 businesses with 250 employees or fewer in Philadelphia, many of which face ongoing challenges in navigating complex regulatory processes at the state and local level, including those involving the PUC.

Under Mayor Parker's leadership, the City of Philadelphia has prioritized economic opportunity for all Philadelphians. Executive Order 10-2024 (PHL Open for Business) reflects this commitment by simplifying regulatory processes and reducing unnecessary burdens on businesses. This initiative aims to make it easier for businesses of all sizes to access permits, licenses, taxes, and guidance – such as by simplifying licenses and permits, reducing unnecessary paperwork, and accelerating approvals. Our vision will ultimately make government more accessible and drive inclusive business growth.

The PUC's proposed rulemaking would require all businesses to hire an attorney when filing or responding to utility-related complaints. This requirement presents a substantial financial burden, which many small business owners simply cannot afford. For many, the costs associated with legal representation act as a barrier to accessing the regulatory process and advocating for their interests, particularly in matters that can have a direct impact on their operations.

We believe that removing or modifying this requirement to allow business owners the option to represent themselves would level the playing field and encourage greater participation from the small business community. Allowing self-representation would not only alleviate the financial strain on small business owners, but also foster a more inclusive and transparent regulatory environment.

Providing small businesses with the option to navigate utility-related complaints without mandatory legal representation would promote fairness and increase understanding of the regulatory process. It would empower business owners to effectively address issues that impact their businesses, while reducing unnecessary barriers to engagement with the PUC.

We respectfully urge the Commission to reconsider its stance on this matter and explore alternatives that would enable small businesses to better advocate for themselves. We are confident that such a change would lead to a more equitable process for all stakeholders involved.

Thank you for your time and consideration of this important matter. The Office of Small Business Advocate has my permission to attach this letter of support.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alba', with a long horizontal flourish extending to the right.

Alba Martinez  
Commerce Director  
City of Philadelphia



225 State Street, Suite B  
Harrisburg, PA 17107  
717-232-8582  
NFIB.com/PA

November 5, 2024

The Pennsylvania Public Utility Commission  
*via electronic submission*

RE: Small Business Self-Representation

Thank you, Chairman DeFrank and fellow members of the Commission for this opportunity to comment on an issue that affects small businesses all throughout the Commonwealth. I am Greg Moreland, Pennsylvania state director for NFIB, or the National Federation of Independent Business.

NFIB is the nation's leading small business advocacy organization, representing nearly 13,000 members in Pennsylvania and about 300,000 members throughout the United States. Founded in 1943 as a nonprofit, nonpartisan organization, NFIB's mission is to promote and protect the rights of its members to own, operate, and grow their businesses.

For more clarity, NFIB's average member has 10 or fewer employees and annual revenue of approximately \$500,000. My Leadership Council (Board) is purely made up of small business owners. This stands in contrast to other business organizations that may claim to represent small business owners, but in fact have a board made up of employees, not owners.

NFIB conducts research through our internal research center on our 300,000 members and produces many reports that you may find interesting. Of note, NFIB recently released its [2024 Problems & Priorities report](#), which is conducted every four years. This report ranks the top 75 issues affecting our small business owners. In the latest report, 'Unreasonable Government Regulations' ranks as the number seven issue out of 75, with nearly 24% reporting that the issue is 'critical'.

It is NFIB's understanding that the PUC is considering allowing small business owners to represent themselves in proceedings before the PUC. The fact that they cannot currently do so would be considered 'unreasonable government regulation', according to NFIB.

With that said, NFIB believes that having counsel with them for the proceedings is likely the best option, but this should be the choice of the business owner and not the government.

Additionally, within the [NFIB Problems & Priorities report](#), the 'Cost of Outside Business Services (e.g., accountants, lawyers, consultants)', ranks as the 23<sup>rd</sup> most critical problem of the 75 issues addressed. Previously in 2020 this issue was 29<sup>th</sup>, so the cost of these outside services is only increasing in concern. In some cases, our small business owners may decide the price of hiring an attorney will outweigh the service issues they are experiencing, and the cost/benefit analysis doesn't make sense. They may end up ignoring the issue altogether and refuse to advocate for themselves, simply based on dollars.

Small businesses are different than large corporations as they typically do not have a legal department to address these concerns in-house. Thus, our small business owners must contract an outside attorney for something that they may have been able to handle themselves.

Again, NFIB appreciates the opportunity to comment on such a critical issue. The government already has a heavy hand on small businesses through regulation, licensing, compliance, inspections, audits, etc., it's time we let the business owner decide whether they need to seek counsel, rather than being mandated by the government.

Thank you again for the opportunity to comment on behalf of Pennsylvania's small and independent businesses.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Moreland', with a stylized flourish at the end.

Gregory B. Moreland  
NFIB PA State Director

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Regulations Governing the Public</b>	<b>:</b>	<b>Docket No. L-2023-3041347</b>
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<b>Formal Proceedings)</b>	<b>:</b>	

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing have been served via email (*unless otherwise noted below*) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Tiffany L. Tran, Esquire  
Law Bureau  
[tiffran@pa.gov](mailto:tiffran@pa.gov)  
(Word Version)

Colin W. Scott, Esquire  
Law Bureau  
[colinscott@pa.gov](mailto:colinscott@pa.gov)  
(Word Version)

Karen Thorne  
Regulatory Review Assistant  
Law Bureau  
[kathorne@pa.gov](mailto:kathorne@pa.gov)  
(Word Version)

[ra-pcprgreview@pa.gov](mailto:ra-pcprgreview@pa.gov)  
(Word Version)

Date: February 4, 2025

/s/ Rebecca Lyttle  
Rebecca Lyttle  
Assistant Small Business Advocate  
Attorney ID No. 201399