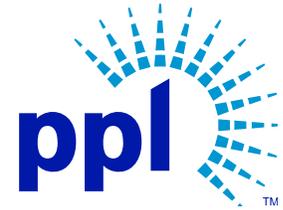


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**E-File**

February 5, 2025

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor North  
P.O. Box 3265  
Harrisburg, PA 17120-3265

**Re: Regulations Governing the Public Utility Commission's General Provisions, 52 Pa. Code Chapters 1, 3, and 5  
Docket No. L-2023-3041347**

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Dear Secretary Chiavetta:

Enclosed for filing on behalf of PPL Electric Utilities Corporation ("PPL Electric") are PPL Electric's Comments in the above-captioned proceeding. These Comments are being filed pursuant to the November 2, 2024 Clarified Notice of Proposed Rulemaking Order issued in this matter.

Pursuant to 52 Pa. Code § 1.11, the enclosed document is to be deemed filed on February 5, 2025, which is the date it was filed electronically using the Commission's E-filing system.

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

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael J. Shafer", is written over a light blue, semi-transparent rectangular background.

Michael J. Shafer

Enclosure

cc via email: Melanie El Atieh, Esq.  
Allison Kaster, Esq.  
NazAarah Sabree  
Tiffany Tran, Esq.  
Colin Scott, Esq.  
Karen Thorne  
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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Regulations Governing the	:	
Public Utility Commission’s	:	
General Provisions, 52 Pa. Code	:	Docket No. L-2023-3041347
Chapters 1, 3, and 5	:	

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**COMMENTS OF  
PPL ELECTRIC UTILITIES CORPORATION ON  
THE CLARIFIED NOTICE OF PROPOSED RULEMAKING ORDER**

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**I. INTRODUCTION**

PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) appreciates the opportunity to provide comments in response to the Pennsylvania Public Utility Commission’s (“PUC” or “Commission”) Clarified Notice of Proposed Rulemaking Order (“NOPR”). The PUC entered an Order of a Notice of Proposed Rulemaking on December 20, 2023, and subsequently issued a Clarified Order on August 22, 2024. The Order and Clarified Order are collectively referred to as the “Order” (Docket No. L-2023-3041347). The Clarified Order was published in the Pennsylvania Bulletin on November 2, 2024, and interested parties are permitted to file comments within 60 days of publication.

As a regulated electric distribution company (“EDC”), PPL Electric is frequently before the Commission and is directly impacted by the Rules of Administrative Practice and Procedure. The Company can also provide valuable insight on how these rules are applied to a party that regularly appears before the Commission. PPL Electric offers the following comments in response to the NOPR.

## **II. COMMENTS**

### **A. 52 Pa. Code § 1.8. Definitions.**

The definition of Authorized Agent would be amended to allow anyone with permission to submit filings to do so, which lowers the previous standard from anyone with permission to “legally act” on behalf of the filing user.

PPL Electric opposes the proposed change to the definition of “Authorized Agent.” This change would broaden the scope of who can represent individuals before the Commission, potentially leading to unintended consequences. The proposed change brings into question whether it would permit the unauthorized practice of law. The rules against unauthorized practice of law are designed to protect the public by ensuring that only qualified individuals provide legal representation. This change may inadvertently create a class of “PUC Agents” who represent customers without the necessary knowledge of PUC practices and procedures. These agents would not be bound by any ethical rules, which could compromise the quality of representation and the integrity of the proceedings. Allowing individuals who are not familiar with procedural practices to represent others would not make cases more efficient. In fact, it could lead to more mistakes in filing rules and practices, creating additional burdens on Administrative Law Judges and other parties involved in the case.

The current rule provides sufficient protection for individuals who are truly incapacitated and unable to represent themselves. Power of attorney laws ensure that someone appearing on behalf of another is appropriately authorized to do so, maintaining the integrity and efficiency of the process. PPL Electric respectfully suggests that the current definition of “Authorized Agent” be retained to avoid potential confusion and unintended consequences. The existing rule has

proven effective in ensuring that only qualified individuals represent parties before the Commission, thereby protecting the public and maintaining the integrity of the proceedings.

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

The PUC proposes to amend Section 1.22(a) of its regulations to allow an authorized corporate official to represent small businesses or partnerships in adversarial proceedings. Additionally, it would permit 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.

PPL Electric opposes the proposed changes to Section 1.22. As discussed in the Company's comments on the change to the definition of "Authorized Agent," there are significant concerns regarding the unauthorized practice of law. The proposed changes could broaden the scope of who can represent individuals before the Commission, potentially leading to the unauthorized practice of law. The rules against unauthorized practice of law are designed to protect the public by ensuring that only qualified individuals provide legal representation.

Furthermore, to the extent that the PUC relies on the magisterial district court rules as support for their proposed change, Rule 207 requires an individual to provide a verification of the subject matter of the litigation. However, the PUC's proposed change to Section 1.22 does not include such a requirement, which could lead to inconsistencies and potential issues in representation. Also, magisterial district court hearings are not akin to PUC formal proceedings. Parties are permitted to appeal magisterial district court orders *de novo* to the Court of Common Pleas, which lowers the stakes of the creation of a factual record. In PUC matters, the evidentiary record created before the ALJ and Commission is what will be relied upon in appeals. Therefore,

having adequate representation to develop a complete and accurate record is of greater importance in PUC proceedings than it is before a magisterial district court.

In addition, the proposed changes could cause confusion regarding whether the representative of a business has adequate authority to bind the company. This has the potential to make negotiating settlements more difficult, as it may not be clear if the representative has the necessary authority to make binding decisions on behalf of the business.

For these reasons, PPL Electric respectfully recommends that the current language of Section 1.22 be retained to avoid potential confusion and unintended consequences. The existing rule has proven effective in ensuring that only qualified individuals represent parties before the Commission, thereby protecting the public and maintaining the integrity of the proceedings.

**C. 52 Pa. Code § 1.33. Incorporation by Reference.**

The PUC proposes to amend Section 1.33(b) of its regulations by removing the specific language “person filing the current document ascertains that the” to provide clarity and brevity. PPL Electric does not oppose the proposed change to Section 1.33. However, PPL Electric requests clarification on how it will be determined that a document “continues to be readily available” at the Commission. Ensuring that documents incorporated by reference are accessible and up-to-date is crucial for maintaining the integrity and efficiency of the proceedings.

**D. 52 Pa. Code § 1.36. Verification.**

The PUC proposes to amend Section 1.36(a) of its regulations to eliminate the requirement to include verifications for filings with no factual averments. The proposed change encourages parties to submit a cover letter with their petition if the petition contains no averment or denial of fact not appearing of record. PPL Electric appreciates the clarification that verification is not

needed for documents without factual averments. This change will help streamline the filing process and reduce unnecessary administrative burdens.

**E. 52 Pa. Code § 1.37. Number of Copies.**

The PUC proposes to amend Section 1.37(a)(3) of its regulations to include and allow other electronic storage devices, such as USB flash drives. PPL Electric supports the proposed change to Section 1.37(a)(3). The amendment to include and allow other electronic storage devices, such as USB flash drives, reflects current practice and is a positive step forward. However, PPL Electric recommends that the rule change be expanded to include secure file transfer methods. Physical media, such as USB flash drives, are at risk for cyber threats. Many companies have internal cybersecurity policies that do not allow physical media file transfers due to these risks.

**F. 52 Pa. Code § 1.72. Content Review of Formal Case Files.**

The PUC proposes to amend Section 1.72 of its regulations to remove procedures for written requests for access to PUC records, as the PUC's regulations about written requests for review of public documents are now moot and potentially in conflict with the Right to Know Law ("RTKL"). PPL Electric supports the PUC's decision to follow the RTKL. This alignment ensures transparency and accessibility of documents filed with the Commission. By eliminating PUC-specific information request regulations, the proposed change avoids potential conflicts with the RTKL and reduces the risk of legal challenges. This approach promotes consistency and clarity in the handling of public information requests.

**G. 52 Pa. Code § 3.1. Definitions.**

The PUC proposes to update the definitions in Section 3.1 of its regulations to include a clear and present danger to the public interest. The proposed amendment stated purpose is to ensure that the definitions are comprehensive and reflect the current understanding of what

constitutes a clear and present danger to the public interest. This change is intended to provide clarity so that the PUC can effectively address situations that pose significant risks to the public.

PPL Electric opposes the proposed rule change to expand the scope of “Emergency” to include anything in the public interest. The term “public interest” is very broad and could lead to utilities being subject to emergency orders on a wide range of issues. Expanding the definition to include anything in the public interest could result in emergency orders being issued to address nebulous issues that may not be directly related to the immediate and tangible concerns traditionally addressed by such orders. This broad scope could lead to overreach and unintended consequences. The proposed change also could have the effect of denying parties their due process rights. Emergency orders issued under this broad definition could bypass the usual procedural safeguards, leading to decisions that are made without adequate input from affected parties.

#### **H. 52 Pa. Code § 3.113. Resolution of Informal Investigations.**

The PUC proposes amending Section 3.113 of its regulations to clarify the service requirements for informal investigations. The proposed amendment aims to provide clarity and consistency in the service requirements for informal investigations. This change is intended to ensure that all parties involved in informal investigations are properly informed and that the process is transparent and efficient.

PPL Electric is generally supportive of the proposed language in Section 3.113. The Company requests that additional rules be added to clarify how a utility can appeal an adverse decision from the Bureau of Consumer Services (“BCS”) on informal complaints. This is particularly relevant when BCS issues a citation that is not an actual violation finding. If the Company disagrees with the citation, the current rules are unclear on how the Company should proceed with an appeal. Additional guidance is also needed for appealing decisions in favor of the

customer. Specifically, if the Company appeals, it is unclear whether this requires the customer to proceed with a formal complaint or if the complaint is otherwise dismissed.

**I. 52 Pa. Code § 5.81. Consolidation.**

The PUC proposes to amend Section 5.81 of its regulations to incorporate a rule addressing the identification of, and participation by, utility and non-utility indispensable parties. This change aims to result in a better record and comprehensive consideration of the parties, facts, and issues in a proceeding.

PPL Electric supports the development of an indispensable party rule. This rule is essential for ensuring that all necessary parties are involved in proceedings, which helps create a comprehensive and accurate record. The development of an indispensable party rule is particularly important in customer complaints, where it is unclear whether the customer is concerned about the activities of the EDC or the electric generation supplier (“EGS”). Clarifying the involvement of indispensable parties in such cases will help address the concerns more effectively and ensure that the appropriate entities are represented.

**J. 52 Pa. Code § 5.231. Offers of Settlement.**

Vice Chair Barrow requested comments on whether the current regulations’ encouragement for settlements is appropriate in all circumstances. Vice Chair Barrow raises concerns that the policy may discourage parties from proceeding to litigation due to a perception that the Commission disfavors litigated proceedings. The statement invites comments and evidence on the benefits and burdens of the settlement policy and under what circumstances a full public hearing might be more appropriate for transparency.

PPL Electric supports the current rule that encourages settlements, as the Company believes it is an efficient use of limited judicial resources and helps avoid the time and expense

associated with litigation. Settlements encourage parties to discuss matters and reach solutions collaboratively, which is particularly beneficial given the diverse group of active stakeholders in utility proceedings. This diversity ensures that a broad variety of interests are represented in settlements.

Concerns about transparency are not as pressing in PUC matters. Settlements are typically reached after discovery and submission of written testimony and exhibits, creating a record before the settlement is reached. This allows the PUC to evaluate the settlement proposal with the benefit of having an evidentiary record. Additionally, the Commission retains the discretion to modify the settlement or ask for additional information before rendering a decision.

Despite the current policy encouraging settlements, matters are still litigated when necessary. Even partial settlements promote efficiency by allowing parties to focus their efforts on areas where there is an actual dispute.

**K. 52 Pa. Code § 5.245. Failure to Appear, Proceed or Maintain Order in Proceedings.**

The PUC proposes changes to Section 5.245 of its regulations, which focus on the consequences of failing to appear, proceed, or maintain order in proceedings. Specifically, the revisions aim to provide clearer guidelines on when a *pro se* litigant can be dismissed with prejudice and the application of res judicata and collateral estoppel based on a litigant's failure to appear at a hearing. The revisions also emphasize the need for a standardized approach to ensure fairness and clarity in these situations.

PPL Electric respectfully opposes the proposed changes to Section 5.245. While the Company understands that conflicts can arise that prevent a *pro se* party from attending a hearing, attending a scheduled hearing is vital to the integrity of the formal complaint hearing process. Additionally, PPL Electric is often very accommodating to requests to reschedule, but it can do

nothing when the complainant simply fails to show up. To prevent this behavior, there needs to be some consequence for not attending a hearing without any notice.

When a *pro se* complainant fails to show for a hearing, the Company is harmed. Time and resources are expended in preparing for the hearing, scheduling witnesses, and coordinating outside counsel. At a minimum, if a customer files a complaint, it should be incumbent on them to show up for the hearing they requested or at least provide notice that they are unable to attend. Allowing the no-show customer to simply restart the case requires the utility to duplicate resources in preparing the case again.

Additionally, it may also be a strategy to avoid termination without any intention of attending the hearing. This behavior should be discouraged, as it leads to excessive utility debt amounts. Rather, customers should be encouraged to enroll in Customer Assistance Programs to obtain a bill that they can afford.

### **III. CONCLUSION**

PPL Electric appreciates the opportunity to provide these Comments on the proposed amendments to Chapters 1, 3, and 5 of the PUC's regulations. The Company supports the Commission's efforts to update and clarify these regulations to reflect current practices and technological advancements, and to improve the efficiency and clarity of PUC proceedings. PPL Electric looks forward to continuing to participate in this rulemaking process.

Respectfully submitted,



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Date: February 5, 2025

Counsel for PPL Electric Utilities Corporation