

**AIDS Resource  
Centre Helps  
Community Action Association of Pennsylvania  
Community Justice Project  
Community Legal Services of Philadelphia  
Congolese Community of Scranton  
Conservation Voters of Pennsylvania  
Face to Face  
Housing Alliance of Pennsylvania  
Legal Clinic for the Disabled  
Pennsylvania Legal Aid Network  
Pennsylvania Utility Law Project  
POWER Interfaith  
The Public Interest Law Center  
SeniorLAW Center  
United Neighborhood Center of NEPA**

February 5, 2025

**VIA eFILE**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

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

Dear Secretary Chiavetta:

On behalf of the undersigned Pennsylvania social and legal service providers, legal clinics, and advocacy organizations, we respectfully submit these Comments urging the Pennsylvania Public Utility Commission's (PUC) to amend its Title 52, Chapter 1 regulations to improve the due process rights of individual complainants in disputes with their utility.

Specifically, we recommend the Commission amend sections 1.21 and 1.22 to permit third-party representatives operating under the direct supervision of a licensed attorney to represent consumers in the formal administrative complaint process. These amendments would provide consumers, particularly those with limited financial resources, with more equitable access to competent representation in PUC proceedings, helping them navigate complex processes and assert their

rights under Pennsylvania law and Commission regulation, while maintaining proper oversight of advocates acting as authorized representatives.

The Chapter 1, 3, and 5 Notice of Proposed Rulemaking Order (NOPR) proposes allowing only individuals holding powers of attorney to serve as third-party representatives for consumers during periods of disability or incapacity. While we appreciate efforts to revise standards for representation access, this proposal is too narrow in scope. It would require the PUC to make case-by-case determinations regarding a consumer's disability or incapacity, which could delay proceedings and create unnecessary administrative burdens. More critically, this approach restricts representation to a narrow subset of consumers, leaving many individuals — especially low-income consumers — without the support they need to navigate complex PUC proceedings. It could also expose consumers to additional risks, as it would incentivize conveyance of a power of attorney – a costly and sometime risky endeavor – without ensuring the agent has any added expertise. Indeed, a power of attorney is most often conveyed to a friend or family member, not a trained professional working under the direct supervision of an attorney.

Requiring the Office of Administrative Law Judges (OALJ), to determine whether a consumer is disabled or incapacitated is untenable and will likely deprive at-need consumers of competent representation. Requiring these determinations would have the opposite effect of the Commission's stated goals of improving PUC procedural efficiency.

The Commission's proposed standard for third-party representation is overly restrictive and fails to address the profound representation gap in Pennsylvania, as for many consumers, particularly low-income consumers, representation remains unaffordable and out of reach. Legal aid providers, pro bono law clinics, medical-legal partnerships, and community-based advocacy groups currently face limitations in providing representation due to the need for attorney involvement in every case. This lack of capacity leaves low income consumers without representation during PUC proceedings. Allowing non-lawyer advocates, such as paralegals, to represent consumers under attorney supervision would expand the capacity of these organizations to serve vulnerable populations, including seniors, individuals with disabilities, and low-income households.

In other administrative contexts, such as in unemployment compensation hearings, it is recognized that this model is allowed. Non-lawyers representing employers at these hearings does not amount to the unauthorized practice of law. *Harkness v. Unemployment Comp. Bd.*, 591 Pa. 543, 920 A.2d 162 (Pa. 2007). Our network of programs relies on utilizing paralegals acting under the supervision of an attorney to expand access to representation, ensuring that clients facing utility disputes have the critical support they need to assert their rights and create a more equitable playing field when confronted by well-resourced utility companies. Direct supervision by an attorney preserves accountability, prevents unauthorized practice of law, and upholds the integrity of PUC proceedings.

Low income customers are terminated at extreme and disproportionate rates compared to residential customers as a whole,<sup>1</sup> and therefore must engage in PUC processes at greater rates compared to customers who can afford to maintain consistent services. Struggling low income consumers face significant challenges navigating complex utility law and policy proceedings, often in opposition to experienced utility attorneys or representatives. Limiting amendment of Section 1.21 and 1.22 to non-attorneys holding powers of attorney during periods of incapacity/disability does not meaningfully address the need for broader representation. By expanding the scope of third-party representation, the Commission can provide low-income consumers with greater support when they need it most.

### **Conclusion**

We are grateful for the opportunity to offer comments on this important matter. We urge the Commission to amend Sections 1.21 and 1.22 of its regulations to allow third parties under the direct supervision of an attorney to represent individuals in all PUC proceedings. These amendments would meaningfully expand access to competent representation for consumers who lack the means to secure representation during PUC proceedings, while ensuring proper oversight to non-attorney representatives. We appreciate the Commission's consideration of our feedback and look forward to participating in upcoming Chapters 1, 3, and 5 NOPR proceedings.

### **Respectfully Submitted,**

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<sup>1</sup> Pa. Public Utility Commission, Bureau of Consumer Services, Report on Universal Service and Collections Performance, at 14-15 (Sept. 2024), available at <https://www.puc.pa.gov/media/3195/2023-universal-service-report-final.pdf>.

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