

ANNEX

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICES PUBLIC UTILITIES

CHAPTER 56. STANDARDS AND BILLING PRACTICES FOR RESIDENTIAL PUBLIC UTILITY SERVICE

Subchapter A. PRELIMINARY PROVISIONS FOR UTILITIES AND CUSTOMERS [SUBJECT TO CHAPTER 14 OF THE PUBLIC UTILITY CODE] WHO ARE NOT VICTIMS OF DOMESTIC VIOLENCE WITH A PROTECTION FROM ABUSE ORDER OR A COURT ORDER ISSUED BY A COURT OF COMPETENT JURISDICTION IN THIS COMMONWEALTH WHICH PROVIDES CLEAR EVIDENCE OF DOMESTIC VIOLENCE

§ 56.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

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Billing period—In the case of public utilities supplying gas, electric and steam heating service, the billing period must conform to the definition of “billing month.” In the case of water and wastewater service, a billing period may be monthly, bimonthly or quarterly as provided in the tariff of the public utility. Customers shall be permitted to receive bills monthly and be notified of their rights thereto.

Change in income—A decrease in household income of 20% or more if the customer’s household income level exceeds 200% of the Federal poverty level or a decrease in household income of 10% or more if the customer’s household income level is 200% or less of the Federal poverty level.

Class A water utility—A water utility with annual revenues greater than \$1 million.

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Residential service—

(i) Public utility service supplied to a dwelling, including service provided to a commercial establishment if concurrent service is provided to a residential dwelling attached thereto.

(ii) The term does not include public utility service provided to a hotel or motel.

Significant change in circumstance—Any of the following criteria when verified by the public utility and experienced by customers with household income less than 300% of the Federal poverty level:

(i) The onset of a chronic or acute illness resulting in a significant loss in the customer's household income.

(ii) Catastrophic damage to the customer's residence resulting in a significant net cost to the customer's household.

(iii) Loss of the customer's residence.

(iv) Increase in the customer's number of dependents in the household.

Small natural gas distribution utility—A public utility providing natural gas distribution services subject to the jurisdiction of the Commission that meets one of the following:

(i) Has annual gas operating revenues of less than \$6 million per year.

(ii) Is not connected to an interstate gas pipeline by means of a direct connection or any indirect connection through the distribution system of another natural gas public utility or through a natural gas gathering system.

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Subchapter B. BILLING AND PAYMENT STANDARDS

PAYMENTS

§ 56.22. Accrual of late payment charges.

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(d) A public utility may waive late payment charges on any customer accounts. A public utility shall waive late payment charges on any customer accounts if the charges were improperly assessed. The Commission may only order a waiver of late payment

charges levied by a public utility as a result of a delinquent account for customers with a gross monthly household income not exceeding 150% of the Federal poverty level. [See 66 Pa.C.S. § 1409 (relating to late payment charge waiver).]

Subchapter E. TERMINATION OF SERVICE

NOTICE PROCEDURES PRIOR TO TERMINATION

§ 56.102. Residential field visit charge.

A city natural gas distribution operation is authorized to charge a minimum fee of \$10 for each instance in which its representative is required to visit the residence of a customer in the process of attempting to complete required service termination steps.

Subchapter F. DISPUTES; TERMINATION DISPUTES; INFORMAL AND FORMAL COMPLAINTS

PUBLIC UTILITY COMPANY DISPUTE PROCEDURES

§ 56.153. Public utility duties.

When a customer or applicant contacts a public utility to make a payment arrangement as required by § 56.166 (relating to informal complaints) and § 56.171 (relating to general rule for formal complaints), the public utility shall:

(1) Provide information about the public utility's universal service programs, including a customer assistance program.

(2) Refer the customer or applicant to the universal service program administrator of the public utility to determine eligibility for a program and to apply for enrollment in a program.

(3) Have an affirmative responsibility to attempt to collect payment on an overdue account. Failure to make reasonable attempts to collect payments on overdue accounts with arrearages in excess of \$10,000 may result in civil fines or other appropriate sanctions by the Commission.

FORMAL COMPLAINTS

§ 56.171. General rule for formal complaints.

(a) Except as otherwise provided in this chapter, formal complaint proceedings will proceed according to the rules and regulations of the Commission governing complaint proceedings.

(b) For a formal complaint that is not a request for review of an informal complaint decision of the Bureau of Consumer Services, the Commission will accept complaints only from complainants who affirm that they have first contacted the public utility for the purpose of resolving the problem about which the complainant wishes to file a complaint. If the complainant has not contacted the public utility, the Commission will direct the complainant to the public utility.

PAYMENT OF BILLS PENDING RESOLUTION OF DISPUTES AND COMPLAINTS, AND PAYMENT ARRANGEMENT PROCEDURES

§ 56.181. Duties of parties; disputing party's duty to pay undisputed portion of bills; public utility's duty to pay interest whenever overpayment found.

Pending resolution of a dispute, including a termination dispute, the disputing party shall be required to pay the undisputed portion of bills, as described in this section.

(1) *Pending informal complaint.* Pending the outcome of an informal complaint, the disputing party shall be obligated to pay that portion of a bill which is not honestly disputed and subsequent bills which are not in dispute. An amount ultimately determined, by the parties or the Commission, to have been validly due but not paid may be paid with interest at the tariff rate filed under § 56.22 (relating to accrual of late payment charges) except when interest charges have been reduced or eliminated by the parties or the Commission to facilitate payment by the disputing party.

(2) *Pending formal complaint.* Prior to the hearing on a formal complaint or prior to the issuance of a Commission order when no hearing is to be held in a formal complaint proceeding, the customer shall be required to pay that amount which the consumer services representative determines is not disputed and subsequent bills which are not in dispute.

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§ 56.182. Payment arrangement procedures.

(a) *General rule.* The Commission may establish payment arrangements between a public utility, customers, and applicants within the limits established by this section.

(b) *Length of payment arrangements.* The length of time for a customer to resolve an unpaid balance on an account that is subject to a payment arrangement that is

investigated by the Commission and is entered into by a public utility and a customer must not extend beyond:

(1) Five years for customers with a gross monthly household income level not exceeding 150% of the Federal poverty level.

(2) Three years for customers with a gross monthly household income level exceeding 150% and not more than 250% of the Federal poverty level.

(3) One year for customers with a gross monthly household income level exceeding 250% of the Federal poverty level and not more than 300% of the Federal poverty level.

(4) Six months for customers with a gross monthly household income level exceeding 300% of the Federal poverty level.

(c) *Customer assistance programs.* Customer assistance program rates must be timely paid and must not be the subject of payment arrangements negotiated or approved by the Commission.

(d) *Number of payment arrangements.* Absent a change in income, the Commission shall not establish or order a public utility to establish a second or subsequent payment arrangement if a customer has defaulted on a previous payment arrangement established by a Commission order or decision. A public utility may, at its discretion, enter into a second or subsequent payment arrangement with a customer.

(e) *Extension of payment arrangements.* If the customer defaults on a payment arrangement established under subsections (a) and (b) as a result of a significant change in circumstance, the Commission may reinstate the payment arrangement and extend the remaining term for an initial period of six months. The initial extension period may be extended for an additional six months for good cause shown.

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Subchapter J. GENERAL PROVISIONS

§ 56.225. Surcharges for uncollectible expenses prohibited.

A public utility may not implement a cash receipts reconciliation clause or another automatic surcharge mechanism for uncollectible expenses. This section shall not affect any clause associated with universal service and energy conservation.

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**Subchapter L. PROVISIONS FOR VICTIMS OF DOMESTIC VIOLENCE WITH
A PROTECTION FROM ABUSE ORDER OR A COURT ORDER ISSUED BY A
COURT OF COMPETENT JURISDICTION IN THIS COMMONWEALTH
WHICH PROVIDES CLEAR EVIDENCE OF DOMESTIC VIOLENCE**

§ 56.251. Statement of purpose and policy.

Subchapters L—V apply to victims under a protection from abuse order as provided by 23 Pa.C.S. Chapter 61 (relating to Protection from Abuse Act) or a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence against the applicant or customer [as provided by 66 Pa.C.S. § 1417 (relating to nonapplicability)]. These subchapters establish and enforce uniform, fair and equitable residential public utility service standards governing eligibility criteria, credit and deposit practices, and account billing, termination and customer complaint procedures. This chapter assures adequate provision of residential public utility service, to restrict unreasonable termination of or refusal to provide that service and to provide functional alternatives to termination or refusal to provide that service. Every privilege conferred or duty required under this chapter imposes an obligation of good faith, honesty and fair dealing in its performance and enforcement. This chapter will be liberally construed to fulfill its purpose and policy and to insure justice for all concerned.