

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17120**

Rulemaking to Amend Regulations Governing the Public Utility Commission's General Provisions at 52 Pa. Code Chapters 1, 3, and 5 (relating to Rules of Administrative Practice and Procedure; Special Provisions, and Formal Proceedings)

**Public Meeting held October 1, 2026
3041347-LAW
Docket No. L-2023-3041347**

MOTION OF CHAIRMAN STEPHEN M. DeFRANK

Before the Commission for consideration is the Final Rulemaking Order regarding Chapters 1, 3, and 5 of our regulations, which set forth general provisions regarding practice before the Commission. In response to the Clarified Notice of Proposed Rulemaking Order (NOPR), we received comments from a variety of stakeholders.¹ I thank the stakeholders for their input and staff for their diligent work on this rulemaking. I am pleased to support the Final Rulemaking Order, which serves as a necessary update to incorporate technological advancements into our regulations and improve the efficiency of administrative hearings and proceedings before the Commission. Nonetheless, I believe it is prudent to address two issues in this Motion.

Protest Period and Intervention Period

In the NOPR, the Commission proposed to amend the protest period set forth in Section 5.53 and the intervention period set forth in Section 5.74(b)(3) from 60 to 30 days consistent with Executive Order 2023-07 issued on January 31, 2023.² The Executive Order focuses on building efficiency in permitting, licensing, and certification processes. As explained in the NOPR, the proposed change to the protest and intervention periods was intended to make the processing times for applications more efficient, while still affording interested parties notice and an opportunity to be heard.³

I acknowledge that some commenters raised concerns regarding the 30-day timeframe as the Independent Regulatory Review Commission (IRRC) pointed out.⁴ However, these concerns have been duly accounted for and addressed. The timeframes set forth in Sections 5.53 and 5.74(b)(3) are default timeframes and, importantly, under these regulations, the Commission retains the discretion to specify alternative protest or intervention periods. Additionally, the regulations provide that the timeframes may be modified upon good cause shown. This is consistent with Section 1.15(a)(1) of the Commission's regulations, which provides that periods of time prescribed may be extended upon motion before their expiration, or upon motion after their expiration where reasonable grounds are

¹ *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 (Clarified Notice of Proposed Rulemaking Order entered August 22, 2024).

² NOPR at 38-40.

³ *Executive Order 2023-07 – Building Efficiency in the Commonwealth's Permitting, Licensing, and Certification Processes*, Commonwealth of Pennsylvania Governor's Office (January 31, 2023) available at https://www.pa.gov/content/dam/copapwp-pagov/en/governor/documents/20230131_EO-2023-07_FINAL_Executed.pdf.

⁴ IRRC Comments at 7-8.

shown for the failure to act.⁵ Further, pursuant to Section 1.91(a) of our regulations, applications for a waiver of Commission regulations may be filed.⁶ Thus, there remains ample opportunity to extend the protest or intervention periods for a particular case beyond 30 days when necessary. However, 30-day default protest and intervention periods are appropriate and reasonable to achieve administrative efficiencies, while continuing to adequately protect a party's right to notice and an opportunity to be heard. For these reasons, Sections 5.53 and 5.74(b)(3) should specify timeframes of 30 days.

Exceptions to Service List Availability and Exclusion or Redaction of Complainant's Personal Address and Contact Information

In the NOPR, the Commission proposed provisions to protect the personal addresses and contact information of victims of domestic violence in Sections 1.51(c) and 5.365(h) by redacting this information from the service list and requiring parties to exclude or redact this information from any filings under certain, specified circumstances.⁷

In the Chapter 56 Working Group Order, the Commission addressed which orders are entitled to the protections in Chapter 56, Subchapters L-V of the Commission's regulations and determined "that PFAs, including those outside the Commonwealth, and non-PFA court orders or court orders issued by a court of competent jurisdiction 'in this commonwealth' are entitled to these protections."⁸ It is appropriate to be consistent with that determination here in terms of the PFAs and court orders we are referencing in Sections 1.51(c) and 5.365(h). Accordingly, Section 1.51(c) should specify that, where an individual party is a victim of domestic violence with a PFA, including a PFA outside the Commonwealth, or a non-PFA court order or court order issued by a court of competent jurisdiction in this commonwealth which provides clear evidence of domestic violence, the party's address and contact information will be redacted on the service list. Likewise, Section 5.365(h) should specify that, where a complainant in a formal proceeding has indicated in the complaint that he or she has a PFA, including a PFA outside the Commonwealth, or a non-PFA court order or court order issued by a court of competent jurisdiction in this commonwealth which provides clear evidence of domestic violence and provided a copy of the PFA or order with their complaint, all parties are required to exclude or redact the complainant's personal address and contact information from any filings.

Additionally, the IRRRC asked whether the Commission considered accepting affidavits from victims of domestic violence for purposes of redacting their personal addresses and contact information.⁹ Although unrelated, it is notable that, in the proposed Settlement in the UGI Gas rate case, which is also before the Commission for consideration, the settling parties agreed that UGI Gas will update protections for victims of domestic violence to also accept a written certification from a domestic violence counselor/advocate.¹⁰ It is clear that the safety of domestic violence victims

⁵ 52 Pa. Code § 1.15(a)(1).

⁶ 52 Pa. Code § 1.91(a).

⁷ NOPR at 20-21, 48.

⁸ *Working Group on Medical Certificates, Other Court Orders, and Privacy Guidelines Relating to the Rulemaking to Amend the Provisions of 52 Pa. Code Chapter 56 to Comply with the Amended Provisions of 66 Pa.C.S. Chapter 14*, Docket No. L-2015-2508421, at 20 (Order entered January 5, 2022).

⁹ IRRRC Comments at 5-6, 9-10.

¹⁰ *Pa. Pub. Util. Comm'n v. UGI Utilities, Inc. – Gas Division*, Docket Nos. R-2025-3059523, *et al.*, at 21 (Recommended Decision issued July 31, 2026).

remains a timely and important issue.¹¹ As such, further consideration of the acceptance of affidavits for purposes of redacting their personal addresses and contact information in the context of this rulemaking is warranted. It is appropriate to accept affidavits from domestic violence counselors or advocate organizations on the counselor or organization's letterhead. Doing so will serve as a reasonable alternative when an individual party or complainant that is a victim of domestic violence is unable to provide a PFA or a non-PFA court order as described above. Thus, Sections 1.51(c) and 5.365(h) should specify that an affidavit from a domestic violence counselor or advocate organization on the counselor or organization's letterhead will be accepted for the limited purpose of redacting the personal addresses and contact information of victims of domestic violence.

THEREFORE, I MOVE THAT:

1. The Commission adopt the Final Rulemaking Order and Annex as modified by this Motion.
2. The Law Bureau prepare a Final Rulemaking Order and Annex consistent with this Motion.

October 1, 2026
Date


Stephen M. DeFrank
Chairman

¹¹ The proposed Settlement simply shows the timeliness of this issue. This rulemaking should not be construed as relying upon a settlement provision as precedential. It is well-established that settlements do not establish legal precedent. *See e.g. HIKO Energy, LLC v. Pa. Pub. Util. Comm'n*, 163 A.3d 1079, 1102-1103 (Pa. Cmwlth. 2017).