

COMMONWEALTH OF PENNSYLVANIA



DARRYL A. LAWRENCE
Consumer Advocate

OFFICE OF CONSUMER ADVOCATE
555 Walnut Street, 5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923
(717) 783-5048
(800) 684-6560

@pa_oca
 /pennoca
FAX (717) 783-7152
consumer@paoca.org
www.oca.pa.gov

October 13, 2026

Via Electronic Filing

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Rulemaking to Further Amend the
Provisions of 52 Pa. Code Chapter 56
Docket No. L-2025-3058767

Dear Secretary Homsher:

Enclosed for electronic filing please find the Reply Comments of the Office of Consumer Advocate in this proceeding.

Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Respectfully submitted,

/s/ Christy M. Appleby
Christy M. Appleby, Esq.
Senior Assistant Consumer Advocate
PA Attorney I.D. # 85824
Email: CAppleby@paoca.org

Enclosures

cc: Assistant Counsel Stephanie A. Wilson (Via Email Only: stepwilson@pa.gov)
Executive Deputy Chief Counsel Kriss E. Brown (Via Email Only: kribrown@pa.gov)
Regulatory Review Assistant Karen Thorne (Via Email Only: kathorne@pa.gov)
Manager of Regulatory Compliance Bobbi Anderson (Via Email Only: robertannd@pa.gov)
Certificate of Service

CERTIFICATE OF SERVICE

Rulemaking to Further Amend the Provisions
of 52 Pa. Code Chapter 56

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Docket No. L-2025-3058767

I hereby certify that I have this day filed electronically on the Commission's electronic filing system and served a true copy of the following document, the Reply Comments of the Office of Consumer Advocate, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant), in the manner and upon the persons listed below.

Dated this 13th day of October 2026.

SERVICE BY E-MAIL ONLY

Alison Kaster, Esq.
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
2nd Floor, Room-N201
Harrisburg, PA 17120
akaster@pa.gov
Director of I&E

Sanya Carley, Ph.D.
David Konisky, Ph.D.
Alison Knasin, Ph.D.
Energy Justice Lab
Stuart Weitzman School of Design
Kleinman Center for Energy Policy
220 South 34th Street, 4th Floor
Philadelphia, PA 19104
scarley@design.upenn.edu
dkonisky@iu.edu
alknasin@design.upenn.edu
Co-Directors/Manager

Rebecca Lyttle, Esq.
Commonwealth of Pennsylvania
Office of Small Business Advocate
555 Walnut Street
Forum Place, 1st Floor
Harrisburg, PA 17101
relyttle@pa.gov
Counsel for OSBA

Graciela Christlieb, Esq.
Philadelphia Gas Works
800 West Montgomery Avenue
Philadelphia, PA 19122
graciela.christlieb@pgworks.com
Counsel for PGW

Laura Handel, Esq.
Eileen Somers, Esq.
HELP: MLP
1510 Chester Pike, Suite 301
Eddystone, PA 19022
lhandel@helpmlp.org
esomers@helpmlp.org
Counsel for HELP: MLP

Danni L. Beinschroth, Esq.
Pennsylvania Coalition
Against Domestic Violence
3501 North Front Street, Suite 200
Harrisburg, PA 17110
DBeinschroth@pcadv.org
Counsel for PCADV

Russell Bedell
Energy Association of Pennsylvania
800 North Third Street, Suite 205
Harrisburg, PA 17102
rbedell@energypa.org
Director, Regulatory Strategy

Michael J. Shafer, Esq.
PPL Services Corporation
645 Hamilton Street, Suite 700
Allentown, PA 18101
MJShafer@pplweb.com
Counsel for PPL Electric Utilities Corp.

Joseph L. Vullo, Esq.
Burke Vullo Reilly Roberts
1460 Wyoming Avenue
Forty Fort, PA 18704
jlvullo@bvrrlaw.com
Counsel for CEO

Sonny Popowsky, Esq.
Consumer Advisory Council
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
spopowsky@gmail.com
Chairperson

Lindsay A. Baxter
Duquesne Light Co.
100 South Commons Ave, Suite 118
Mail Drop OGC-L1
Pittsburgh, PA 15212
lbaxter@duqlight.com
*Senior Manager, Energy Policy & Public
Affairs*

Seth Sherman, Esq.
Nina Victoria, J.D.
Center for Coalfield Justice
P.O. Box 4023
69 East Beau Street, Suite 101
Washington, PA 15301
seth@centerforcoalfieldjustice.org
nina@centerforcoalfieldjustice.org
Counsel for CCJ

Pamela C. Polacek, Esq.
C & T Enterprises, Inc.
PO Box 129
Venetia, PA 15367
ppolacek@ctenterprises.org
*Counsel for Citizens' Electric Company,
Wellsboro Electric Company, and Valley
Energy, Inc.*

Alexander R. Stahl, Esq.
Essential Utilities, Inc.
762 West Lancaster Avenue
Bryn Mawr, PA 19010
astahl@aquaamerica.com
Counsel for Aqua and Peoples

Candis A. Tunilo, Esq.
UGI Corporation
1 UGI Drive
Denver, PA 17517
Tunilo@ugicorp.com
Counsel for UGI Utilities, Inc.

Emily M. Farah, Esq.
Conor D. Farley, Esq.
Columbia Gas of Pennsylvania, Inc.
121 Champion Way, Suite 100
Canonsburg, PA 15317
efarah@nisource.com
cfarley@nisource.com
Counsel for Columbia Gas

Erin K. Fure, Esq.
Pennsylvania American Water
852 Wesley Drive
Mechanicsburg, PA 17055
erin.fure@amwater.com
Counsel for PAWC

Elizabeth R. Marx, Esq.
Levi A. Phillips, Esq.
Ria M. Pereira, Esq.
John W. Sweet, Esq.
Lauren N. Berman, Esq.
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
PULP@pautilitylawproject.org
Counsel for CAUSE-PA

Mark Szybist, Esq.
Office of General Counsel
Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17101
mszybist@pa.gov
Counsel for Governor Josh Shapiro

Joline R. Price, Esq.
Charlotte E. Edelstein, Esq.
Robert W. Ballenger, Esq.
Community Legal Services
1424 Chestnut Street
Philadelphia, PA 19102
jprice@clsphila.org
cedelstein@clsphila.org
rballenger@clsphila.org
Counsel for TURN

Anthony E. Gay, Esq.
Catherine Nguyen, Esq.
PECO Energy Company
2301 Market Street, S21-1
Philadelphia, PA 19103
anthony.gay@exeloncorp.com
catherine.nguyen@exeloncorp.com
Counsel for PECO

Counsel for:
Darryl A. Lawrence
Consumer Advocate

Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: 717-783-5048
Fax: 717-783-7152

Dated: October 13, 2026

Respectfully submitted,

/s/ Christy M. Appleby
Christy M. Appleby, Esq.
Senior Assistant Consumer Advocate
PA Attorney I.D. # 85824
Email: CAppleby@paoca.org

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Rulemaking to Further Amend the Provisions of :
52 Pa. Code Chapter 56 : Docket No. L-2025-3058767

REPLY COMMENTS
OF THE
OFFICE OF CONSUMER ADVOCATE

Counsel for:

Darryl A. Lawrence
Consumer Advocate

Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
717-783-5048

Christy M. Appleby, Esq.
Senior Assistant Consumer Advocate
PA Attorney I.D. # 81617
Email: CAppleby@paoca.org

Dated: October 13, 2026

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	REPLY COMMENTS ON CHANGES WITHIN THE NOPR	3
A.	Overview	3
B.	Proposed Amendments to Section 56.2 Definitions	5
C.	Proposed Section 56.153 Public Utilities Duties	9
D.	Proposed Section 56.182 Payment Arrangement Procedures	10
E.	Proposed Section 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.....	16
F.	Proposed Section 56.225. Surcharges for Uncollectible Expenses Prohibited.	18
G.	Proposed Section 56.251. Statement of Purpose and Policy	21
III.	REPLY COMMENTS TO ADDITIONAL AMENDMENTS PROPOSED BY INTERESTED STAKEHOLDERS	22
A.	Overview	22
B.	Extension of Moratorium Protections	23
C.	Unnecessary Fees Including Section 56.21 Payment Fees; 56.22 Accrual of Late Payment Charges, 56.191 Payment and Timing	25
D.	Section 56.94. Procedures immediately prior to termination	28
E.	Further Improvements to Medical Certifications.....	30
1.	Sections 56.111. General Provisions.....	30
2.	Section 56.112. Postponement of termination pending receipt of certificate.....	32
3.	Section 56.114. Length of postponement; renewals.	33
4.	Section 56.116. Duty of customer to pay bills.....	34
5.	Screening Medically Vulnerable customers for eligibility in CAP and other Universal Service Programs; Section 56.153(2).....	35
F.	Language Access; Sections 56.91(17), 56.201(b).....	36

IV.	ADDITIONAL COMMENTS AND ISSUES NOT SPECIFICALLY TIED TO A REGULATION	38
A.	Overview	38
B.	Establishing a “Medical CAP”	39
C.	Call Center Access and Customer Service Standards	39
D.	Uniquely Vulnerable Households	40
E.	Opt-Out CAP System.....	41
V.	CONCLUSION.....	41

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Jackson v. Pa. PUC</i> , 522 A.2d 1187 (Pa. Cmwlth. 1987)	33, 34
<i>Masthope Rapids Prop. Owners Council v. Pa. PUC</i> , 581 A.2d 994 (Pa. Cmwlth. 1990)	20
<i>Memphis Light, Gas & Water Div. v. Craft</i> , 436 U.S. 1 (1978)	29
<i>Pa. Indus. Energy Coalition v. Pa. PUC</i> , 653 A.2d 1336 (Pa. Cmwlth. 1995)	20
<i>Phila. Gas Works v. Pa. PUC</i> , No. 1914 C.D. 2007, 2009 Pa. Commw. Unpub. LEXIS 797 (Cmwlth. Feb 4, 2009)	20
<i>Popowsky v. Pa. PUC</i> , 13 A.3d 583 (Pa. Cmwlth. 2011)	19
Statutes	
66 Pa. C.S. Ch. 14	<i>passim</i>
66 Pa. C.S. §§ 1405(a)–(e)	3, 10
66 Pa. C.S. § 1408	18, 19
66 Pa. C.S. § 1417	21
Administrative Decisions	
<i>Pa. PUC v. Peoples Gas Company</i> , Docket No. R-2026-3060855, Recommended Decision at 299-301 (Oct. 2, 2026)	10
<i>Pet. of PPL Elec. Utilities Corp. for Approval to Use the Remote Service Switch In Its Meters for Involuntary Service Terminations</i> , Docket No. P-2016-2524581, Order (Jan. 19, 2017)	28
<i>Rulemaking to Further Amend the Provisions of 52 Pa. Code Chapter 56</i> , Docket No. L-2025-3058767 (Feb. 19, 2026)	<i>passim</i>

Regulations

35-A M.R.S. § 718(1)(A)-(B)	24
72 FR § 2732	38
52 Pa. Code § 56.2	5, 31
52 Pa. Code § 56.21	25
52 Pa. Code § 56.21(5)	25
52 Pa. Code § 56.22(d)	25, 26, 27
52 Pa. Code § 56.22(e)	27
52 Pa. Code § 45.21(5)	25
52 Pa. Code § 56.91	36
52 Pa. Code § 56.91(17)	36
52 Pa. Code § 56.94	28, 29, 30
52 Pa. Code § 56.97	13
52 Pa. Code § 56.111	0
52 Pa. Code § 56.112	29, 32
52 Pa. Code § 56.114	33
52 Pa. Code § 56.114(2)	34
52 Pa. Code § 56.116	34, 35
52 Pa. Code § 56.116	34
52 Pa. Code § 56.153	9
52 Pa. Code § 56.153(2)	35
52 Pa. Code § 56.166	9
52 Pa. Code § 56.181	16, 18
52 Pa. Code § 56.181(3)	26
52 Pa. Code § 56.182	3, 10, 11

52 Pa. Code § 56.182(b)	13
52 Pa. Code § 56.182(B.1).....	14
52 Pa. Code § 56.191(c)(2)(i)	25
52 Pa. Code § 56.201	37
52 Pa. Code § 56.201(b)	36, 37
52 Pa. Code § 56.225	18, 19
52 Pa. Code § 56.251	21
52 Pa. Code § 69.53	20
52 Pa. Code § 69.363	20
54 Pa.B. 7361	1
N.J. Admin. Code § 14:3-3A.4(c).....	40

I. INTRODUCTION

On February 19, 2026, the Pennsylvania Public Utility Commission (Commission) issued its Notice of Proposed Rulemaking (NOPR) regarding its Rulemaking to Further Amend the Provisions of 52 Pa. Code Chapter 56, Docket No. L-2025-3058767, Order (Feb 19, 2026) (*NOPR Order*).¹ The purpose of this rulemaking is to amend the Commission’s regulations at 52 Pa. Code Chapter 56 to incorporate provisions of the former Chapter 14 of the Code, as it was in effect prior to its sunset, including those currently being followed by the Commission via its Statement of Policy.² Also on February 19, 2026, Vice Chair Barrow submitted a Statement in the docket, indicating her concerns that the NOPR was limited to implementing the remaining provisions of the sunset of Chapter 14. Vice Chair Barrow stated that “the time is right to determine next steps on utility and consumer protections.”³ The NOPR was published for comment in the *Pennsylvania Bulletin* on May 30, 2026, beginning the 60-day comment period. 54 Pa.B. 7361.

On June 5, 2026, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) and the Tenant Union Representation Network (TURN) requested an additional 45 days to file comments. On June 12, 2026, the Office of Small Business Advocate filed a letter in support of the request. On June 16, 2026, the Energy Association of Pennsylvania filed a letter clarifying the requested extension dates. The Commission granted the extension request on June 18, 2026, making the due date for comments August 28, 2026, and the reply comments due by October 13, 2026. The granted extension was published in the *Pennsylvania Bulletin* on July 4, 2026.

¹ *Rulemaking to Further Amend the Provisions of 52 Pa. Code Chapter 56*, Order, Docket No. L-2025-3058767 (Feb. 19, 2026) (*NOPR Order*)

² *NOPR Order* at 1-2.

³ *Rulemaking to Further Amend the Provisions of 52 Pa. Code Chapter 56*, Statement of Vice Chair Kimberly Barrow, Docket No. L-2025-3058767 (Feb. 19, 2026).

Consistent with the amended extension dates, the Office of Consumer Advocate (OCA) filed Comments on August 28, 2026. Comments were also filed by: the Energy Justice Lab; Philadelphia Gas Works (PGW); Health Education and Legal Assistance Project: A Medical-Legal Partnership (HELP: MLP); Pennsylvania Coalition Against Domestic Violence (PCADV); Center for Coalfield Justice (CCJ); Energy Association of Pennsylvania (EAP); PPL Electric Utilities Corporation (PPL); Citizens' Electric Company of Lewisburg, PA (Citizens'), Wellsboro Electric Company (Wellsboro) and Valley Energy, Inc. (Valley) (collectively, the C&T Utilities); the Commission on Economic Opportunity (CEO); Aqua Pennsylvania, Inc. and Peoples Natural Gas Company (collectively Essential); Consumer Advisory Council (CAC); UGI Utilities, Inc.-Gas Division (UGI Gas) and UGI Utilities, Inc.-Electric Division (UGI Electric) (collectively UGI); Duquesne Light Company (Duquesne Light); Office of Small Business Advocate (OSBA); Office of Governor Josh Shapiro (Governor's Office); Columbia Gas of Pennsylvania, Inc. (Columbia); Pennsylvania-American Water Company (PAWC); Joint Comments of the Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania (CAUSE-PA) and the Tenant Union Representative Network (TURN) (collectively CAUSE-PA/TURN); Joint Commenters for Utility Access (Joint Commenters)⁴; Joint Comments of Pennsylvania Ratepayers (Pennsylvania Ratepayers); and PECO Energy Company (PECO).

The OCA appreciates the opportunity to provide these Reply Comments. The OCA was assisted in the preparation of these Reply Comments by its expert consultants Roger D. Colton⁵

⁴ This group is comprised of the following elected officials: Senator Art Haywood; Senator Nikil Saval; Representative Danilo Burgos; Representative Elizabeth Fiedler; Representative Rick Krajewski; Kendra Brooks, Minority Leader of the Philadelphia City Council; Reverend Nicolas V. O'Rourke, Minority Whip of the Philadelphia City Council; Councilmember Jamie Gauthier of the Philadelphia City Council; and Councilmember At-Large Rue Landu of the Philadelphia City Council.

⁵ Mr. Colton is a principal at Fisher, Sheehan & Colton with over 30 years of experience providing services in areas such as regulatory economics, poverty law and economics, public benefits, fair housing, community development, energy efficiency, utility law and economics (energy, telecommunications, water/sewer), government budgeting, and planning and zoning. Mr. Colton has also been licensed to practice law in Iowa for over 30 years. Mr. Colton has

and Barbara R. Alexander⁶, and the OCA’s law clerk, Paige Oustrich. The OCA notes that its silence in response to any issue or comments should not be deemed as assent or support for a particular issue or comment.

II. REPLY COMMENTS ON CHANGES WITHIN THE NOPR

A. Overview

In this Section, the OCA will respond to the Comments regarding the Commission’s proposed changes within the Commission’s *NOPR Order*.⁷ In Section III, the OCA will respond to Comments regarding additional proposed modifications to Chapter 56. Finally, in Section IV, the OCA will respond to Comments regarding additional general issues raised.

Several of the commenters propose that the amendments to the Chapter 56 regulations should primarily be limited to those identified in the Commission’s *NOPR Order*, and utilities such as PPL, C&T Utilities, Essential, PGW, UGI and PECO support maintaining and integrating Chapter 14 into the Chapter 56 regulations.⁸ EAP states that “keeping the conditions of Chapter 14 intact is the optimal path forward.”⁹ Specifically, EAP recommends that the definitions of “change in income” and “significant change of circumstances” as well as the “creation of Section 56.182 to codify the payment arrangement procedures formerly found in Section 1405(a)-(e).”¹⁰

testified in state and federal courts in the United States and Canada, as well as before regulatory and legislative bodies in more than 40 states.

⁶ Ms. Alexander is the sole member manager of Barbara Alexander Consulting LLC where she provides services directed to consumer protection, customer service and low-income programs and policies relating to the regulation of the telephone, electric, and gas industries. Ms. Alexander has appeared in over 30 U.S. and Canadian jurisdictions as an expert witness on behalf of state utility consumer advocates and national and state non-profit consumer organizations. She has an additional 10 years of experience testifying as an expert witness before the Maine Public Utilities Commission as the Director of the Consumer Assistance Division.

⁷ *Rulemaking to Further Amend the Provisions of 52 Pa. Code Chapter 56*, Order, Docket No. L-2025-3058767 (Feb. 19, 2026) (*NOPR Order*)

⁸ See EAP Comments at 3-4.

⁹ *Id.* at 3. As discussed below, the OCA recommends that the Commission not adopt the prohibition on an uncollectibles surcharge. See *infra* Section II.F.

¹⁰ EAP Comments at 3.

PECO also argued that if a broad review is considered, it should be done in a separate proceeding.¹¹ The OCA does not agree that a separate proceeding is needed in order to consider reforms to Chapter 56. The Commission has the tools in this docket to evaluate the broader reforms that are needed to Chapter 56.

Similar to the OCA, other commenters supported consideration of additional modifications to Chapter 56 and the issues raised by Vice Chair Barrow's Statement. The Comments of the Governor's Office most succinctly identified why wholesale amendments to Chapter 56 are needed. The Governor's Office Comments stated:

The Commission's update to Chapter 56 should focus squarely on achievability, with the aim of breaking the cycle of arrears, termination, and reconnection that only puts struggling household further in financial distress and makes repayment increasingly unlikely.¹²

The Consumer Advisory Council reiterated the OCA's reasons for its Comments:

Chapter 14 is no longer controlling law, and the Commission is no longer bound by its terms. In fact, the legislature did not require the Commission to maintain the specific billing, collection, and termination standards contained therein – instead deferring to the Commission's expertise on these issues. The Commission should draw on the lessons learned over the last 20 years to ensure balance in the rules for billing, collection, and termination.¹³

The CAC also provided the important consideration of the lasting legacy of the Chapter 14 provisions:

Last year, over 414,000 Pennsylvania households experienced an involuntary termination of gas, electric, or water services – the highest number ever recorded in our state. Low income and other vulnerable customer groups are at the greatest risk of shut off – with rates of involuntary termination far surpassing termination rates for general residential customers. The consequences of involuntary termination are severe – especially for seniors, families with young children, individuals with a disability, and other medically vulnerable consumers, for whom access to safe, stable energy and water service can have extreme health consequences. The consequences of utility insecurity reverberate through families

¹¹ PECO Comments at 3.

¹² Governor's Office Comments at 2.

¹³ CAC Comments at 2.

and communities, impacting the local economy and the health, safety, and wellbeing of Pennsylvanians across every community.

The current regulatory framework for utility billing, collection, and termination often serves to compound debt by levying penalties rather than emphasizing prevention.¹⁴

While the OCA agrees that it is important to address reforms for “low income and other vulnerable customers,” the OCA believes that this net should be expanded beyond customers who are traditionally considered “low-income” at 150% of the Federal Poverty Level (FPL) and to examine the impact on customers who are at or below 300% of the FPL. Customers who are below 300% of the FPL are generally considered to not have economic self-sufficiency and are also in need of additional protections and reforms of Chapter 56.

B. Proposed Amendments to Section 56.2 Definitions

In its *NOPR*, Commission proposed the addition of two definitions for “change in income” and “significant change in circumstances” to reflect the incorporation of the former Chapter 14 provisions. The proposed definition for “change in income” is “[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 is 200% of less of the Federal poverty level.”¹⁵

The Commission also proposed to define “significant change in circumstance” as:

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 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.

¹⁴ CAC Comments at 3.

¹⁵ *NOPR Order* at 14; *Rulemaking to Further Amend the Provisions of 52 Pa. Code Chapter 56*, Annex A at 1-2, Docket No. L-2025-3058767 (Feb. 19, 2026) (*Annex A*).

(iv) Increase in the customer's number of dependents in the household.¹⁶

The Commission provides that these definitions are to incorporate the provisions of the former Chapter 14 of the Public Utility Code.

In its Comments, the OCA did not oppose the Commission's proposed definition, but also the OCA has proposed a broader definition of life event for customers at or above 300% of the FPL regarding Section 56.191.¹⁷ The OCA also supports the Governor's Office Comments that "non-exclusive" life events should be included in the definition of changes in income.¹⁸ Specifically, the Governor's Office Comments provide that the Commission should:

Amend the definition of "significant change in circumstances" which currently lists four specific life events that warrant the extension of a payment plan, by establishing a general qualitative standard for significant changes and including the current life events (if at all) as *non-exclusive* examples of such changes. The qualitative standard should capture two concepts: first, that some changes in circumstances may increase a customer's non-utility expenses, making completion of a payment plan more difficult, even if the customer's income remains constant, and second, that some changes in circumstances result in material and logistical impediments to payment, regardless of whether a customer has the ability to pay.¹⁹

The OCA has concerns regarding the changes proposed by PPL. In its Comments, PPL proposes additional changes to define what is considered "significant loss" in income or "significant net damage to a customer's home."²⁰ PPL states that it is concerned "that the broad language in the proposed regulation puts the utility in the role of determining what amounts to a "significant loss" in income or "significant net cost" of damage to a customer's home."²¹

PPL proposes the following changes to what is a significant change to a payment arrangement:

¹⁶ *NOPR Order* at 14; *Annex A* at 1-2.

¹⁷ OCA Comments at 4.

¹⁸ Governor's Office Comments at 3.

¹⁹ *Id.* at 3 (footnote omitted).

²⁰ PPL Comments at 3.

²¹ *Id.*

- (i) The onset of a chronic or acute illness resulting **or expected to result** in a significant loss in the customer's household **annual adjusted gross income of greater than 25%**.
- (ii) Catastrophic damage to the customer's residence resulting in a significant net cost to the customer's household **equal to or greater than 10% of the property's value or rendering the home uninhabitable for 30 days or more.**²²

PPL also provides that it is concerned that the “increase in the customer’s number of dependents in the household” language is vague and should be further clarified;²³ PPL suggests the Commission define “dependent” to reflect the Internal Revenue Service’s definition.²⁴ PPL argues that as currently drafted, the criteria are ambiguous and subject to misinterpretation, confusion, and unnecessary challenges.²⁵

The OCA has several concerns about PPL’s proposed definition changes. First, in subsection (i), PPL proposes to change “a significant loss in the customer’s income” to “a significant loss in the customer’s household **annual adjusted gross income of greater than 25%.**” PPL argues that its language is to address ambiguities in the current language. However, PPL’s proposed language, in fact, creates greater ambiguities. The language proposed is unclear. For example, what is meant by “adjusted” gross income? What would be adjusted to calculate the gross income? PPL does not provide any details to describe. Moreover, PPL’s language appears to imply an application process of some sort. It is not clear who would determine what the “before” and what the “after” “annual adjusted gross income” is. Moreover, what type of documentation would be required? PPL does not necessarily know the income of its customers, but the proposed

²² PPL Comments at 3.

²³ PPL Comments at 3, citing *see* Publication 17, Ch. 3 Dependents (2025), https://www.irs.gov/publications/p17#en_US_2025_publink1000170839.

²⁴ PPL Comments at 3, citing *see* Publication 17, Ch. 3 Dependents (2025), https://www.irs.gov/publications/p17#en_US_2025_publink1000170839.

²⁵ PPL Comments at 3-4.

language requires specificity in the amount of the customer's "adjusted gross income" to determine whether it has changed by 25% or more.

The OCA also does not agree with PPL's proposal to tie the significant change of circumstances to annual income. The Commission has repeatedly provided that customers can use for income verification either an annual income or a 30-day annualized income. So many factors can change a customer's income on a 30-day basis that is not yet reflected in the annual income. For example, if the primary wage-earner dies or is disabled, a household's income can plummet but the annual income would remain relatively high until there were enough months of reduced income to be reflected in the annual income.

The OCA also has concerns with the proposed 25% threshold. The OCA believes that this threshold is arbitrary. Customers may have reduced resources, such as a lack of savings account. An income reduction of much less than 25% can be significant without a savings account. Moreover, PPL's proposal really discriminates against the working poor. For example, by simple mathematics, a 25% threshold would be much higher for a household income of \$50,000 versus an income of \$8,000.

PPL also proposes modifications to subsection (ii) and proposes that "catastrophic damage to the customer's residence resulting in a significant net cost to the customer's household" must be **"equal to or greater than 10% of the property's value *or* rendering the home uninhabitable for 30 days or more."**²⁶ As discussed with the changes in income, the OCA similarly believes that PPL's proposed language only further muddies the waters. PPL proposes a change in value of the home of 10% or more, but who would make the determination of the "before" and "after" value of the home. Moreover, what "value" is being changed? Would it be the replacement cost, the market

²⁶ PPL Comments at 3.

value, the equity in the home? With regard to the uninhabitability, why is the proposed threshold 30 days? Would the customer have to wait 30 days before determining that the house was uninhabitable? Who makes the determination that the home is uninhabitable? PPL's proposed language creates more questions than it answers. In its Comments, PPL provides no foundation for the need for the proposed language or how the additional proposed criterion would answer the questions that are supposedly raised by the Commission's proposed language.

C. Proposed Section 56.153 Public Utilities Duties

In its *NOPR*, the Commission proposes to create a new regulation at Section 56.153 in order to address "certain public utility duties regarding customer or applicant contact for payment arrangements."²⁷ The *NOPR* provides:

The former Section 1410.1 of the Code set forth duties for a public utility to follow when a customer or applicant contacts the utility to make a payment arrangement as required by the former Section 1410 of the Code. As such, by referring to the former Section 1410 of the Code, the former Section 1410.1 referred to the requirement that a customer first contact the public utility before filing a complaint. This requirement appears in existing Sections 56.162 and 56.166 for informal complaints and will now appear in Section 56.171 for certain formal complaints as discussed below.²⁸

The Commission proposes that Section 56.153 will provide:

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

²⁷ *NOPR Order at 16.*

²⁸ *NOPR Order at 16 (footnote omitted).*

accounts with arrearages in excess of \$10,000 may result in civil fines or other appropriate sanctions by the Commission.²⁹

In its Comments, PPL opposes the proposed civil fines or other appropriate sanction and argues that the reasons for high balances are not due to collection efforts but instead due to regulatory protections which delay payments while balances grow.³⁰ The OCA did not oppose the Commission's propose language in its Comments to require that the utilities have an affirmative responsibility to attempt to collect payment on an overdue account. However, the OCA does not agree with PPL's characterization that the utilities should not have a responsibility to take all actions necessary to help reduce customer balances. The OCA believes that while ratepayers have a responsibility, the companies should also have a responsibility under the Public Utility Code to collect payments on overdue accounts and to take all reasonable steps to do so. The OCA believes that several factors indicate that utilities may not be taking all reasonable steps including: (1) high rates of disconnection; (2) high rates of failed payment arrangements; and (3) high ratios of disconnect notices to actual disconnections.³¹

D. Proposed Section 56.182 Payment Arrangement Procedures

In the *NOPR*, the Commission proposes creating a new Section 56.182 to incorporate the payment arrangement procedures formerly found in Section 1405(a)–(e) of the Public Utility Code, which include the general rule, length of payment arrangement, customer assistance program referrals, the number of payment arrangements, and the extension of payment arrangements.³² Additionally, the Commission proposes modifying the existing heading under which the new regulations falls to make it “Payment of bills pending resolution of disputes and complaints, and

²⁹ *Annex A* at 3.

³⁰ PPL Comments at 4.

³¹ *See, Pa. PUC v. Peoples Gas Company*, Docket No. R-2026-3060855, Recommended Decision at 299-301 (Oct. 2, 2026)(regarding the ineffectiveness of payment arrangements in credit and collections).

³² *NOPR Order* at 11, 20.

payment arrangement procedures.”³³. Under the Commission’s proposal, the new Section 56.182 would read:

§ 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

(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.

As discussed in the OCA’s Comments, the OCA has significant concerns with maintaining the existing payment arrangements from Chapter 14.³⁴ Other advocates similarly raised concerns

³³ *NOPR* at 22.

³⁴ *See* OCA Comments at 10-15.

regarding the lack of flexibility in the existing payment arrangements. In its Comments, CEO provided:

Payment arrangements that fail to consider completely the affordability of those payments are more likely not to be met and result in the termination of service. Utilities should be required to offer a more affordable payment plans that take into account household composition and the percentage of income that goes towards payments; that is, payment arrangements should consider whether members of the household are elderly, disabled, young children or are facing serious medical issues.

Payment arrangements should also be flexible to account for hardships and by recognizing the impacts of economic hardship on a low-income consumer. A change in economic circumstances can be devastating to a low-income family with many essential needs being at risk-utility service, food, medical care and housing. Greater discretion should be allowed that recognize the type and impact of the hardship and the amount of time it takes for a low-income family to recover from that hardship. CEO recommends that existing arrangements be extended beyond the current six-month hardship extension period.³⁵

In its Comments, Duquesne Light recommended that the Commission should evaluate whether “extremely long payment plans promote sustainable repayment.”³⁶ Duquesne Light misses an important point. The issue is not the length of the payment arrangements, but instead why the payment arrangements are unaffordable. The Commission should be evaluating why customers fail on their existing payment arrangements overall and why customers do not respond to utility notices suggesting that customers contact the utility to enter into a payment arrangement in order to stop a shutoff. The OCA agrees that payment arrangements should be reviewed, but Duquesne Light’s view of why they are failing is too narrow.

Other stakeholders in addition to Duquesne Light supported the Commission’s perspective on payment arrangements or recommended more restrictive measures. In its Comments, PPL states that it supports the ban on payment arrangements for CAP arrears.³⁷ As the OCA discussed in its

³⁵ CEO Comments at 2.

³⁶ Duquesne Light Comments at 4.

³⁷ PPL Comments at 6.

Comments, the OCA also does not agree with subsection (c) that customers who are not currently enrolled in a customer assistance program are not eligible for a payment arrangement for their entire outstanding unpaid balance.³⁸ As discussed below regarding Section 56.97, low-income customers should be eligible to receive a payment arrangement irrespective of whether all or some portion of that balance was incurred at the time the customer was enrolled in the customer assistance program. A bar from payment arrangements for customer assistance program balances presents an impediment to a customer maintaining essential utility service. While customer assistance program participation is often the best option for customers, low-income customers should still have the same payment arrangement options as all other customers to be able to maintain essential services.

The OCA does not agree with these perspectives from Duquesne Light and PPL. Numerous other stakeholders raised important reasons why the current payment arrangement structures should not be maintained and why greater flexibility is needed for payment arrangements. The Pennsylvania Ratepayers Comments argued for improved access to payment arrangements based on what the household can afford.³⁹ CAUSE-PA/TURN proposed to limit a payment arrangement installment to no more than 20% of the average bill.⁴⁰

CAUSE-PA proposed to extend under Section 56.182(b) the existing terms for payment arrangements from five to six years for customers at 150% of the FPL, from three to four years for customers from 150% to 250% of the FPL, from one to two years for customers from 250% of the FPL to 300% of the Federal FPL, and from 6 months to one year for customer above 300% of the FPL.⁴¹

³⁸ OCA Comments at 13.

³⁹ Pennsylvania Ratepayers Comments at 1.

⁴⁰ CAUSE-PA/TURN Comments at 47.

⁴¹ CAUSE-PA/TURN Comments at 47.

CAUSE-PA/TURN also proposed the following language to be added as Section 56.182(B.1):

Alternative payment arrangement, if a customer's income level is not more than 300% of the Federal Poverty Level and the customer's monthly payment would exceed 20% of the customer's average bill based on the length of the payment arrangement for the customer, the Commission shall extend the length of the payment arrangement for the customer so that the monthly payment does not exceed 20% of the customer's average monthly bill, not to exceed two times the length of the payment arrangement for the customer under Subsection (B).⁴²

In its Comments, CAUSE-PA/TURN stated:

Improving access to affordable payment arrangements is the "single best tool the Commission has" to maintain service for income-challenged customers while ensuring customers pay the charges for which they are responsible.⁴³

CAUSE-PA/TURN also propose additional modifications to payment arrangements. CAUSE-PA/TURN recommended that CAP customers be permitted to enter into payment arrangements on arrears if they are no longer participating in CAP and allows the utility the discretion into a payment arrangement with a CAP customer in arrears.⁴⁴ CAUSE-PA/TURN also proposed, similar to the OCA, to allow for an increased number of payment arrangements. CAUSE-PA/TURN also proposed to allow for extensions of payment arrangements.⁴⁵ CAUSE-PA/TURN's recommendation to extend payment arrangements is based on the proposition that the existing payment arrangements do not realistically or reasonably take ability to pay into account.

The Comments of HELP: MLP similarly recommended that the Commission require utilities to work in good faith to negotiate affordable payment arrangements.⁴⁶ They also recommended that the Commission's discretion to grant additional payment arrangements.⁴⁷

⁴² *Id.* at 47.

⁴³ *Id.* at 48.

⁴⁴ *Id.* at 49.

⁴⁵ CAUSE-PA/TURN Comments at 56-58.

⁴⁶ HELP: MLP Comments at 3.

⁴⁷ *Id.* at 3-4.

The OCA certainly supports a requirement that the utilities operate in good faith to negotiate *affordable* payment arrangements. As was discussed in the OCA's Comments, the evidence demonstrates that the utility payment arrangements overwhelmingly default and that the current structure is clearly not working.⁴⁸ For the Commission to not have discretion allows the flawed system to continue but also exacerbates the flaws by saying that those flawed payment arrangements cannot be replaced by the Commission. As the Comments of HELP: MLP provided:

Often powerless to negotiate with the company for repayment terms that would be truly affordable for them, they accept the arrangement their utility offers them to avoid imminent shutoff. Often, this inevitably leads to default on such payment arrangements.⁴⁹

As was discussed in the OCA's Comments, the OCA has seen in multiple rate case proceedings that this is exactly what happens. Simply offering a payment arrangement doesn't work because the payment arrangements overwhelmingly default.

The CAC also identified that the current payment arrangements are not working for customers.⁵⁰ The CAC Comments provided:

As the Commission explained in its 2020 Report, Chapter 14 substantially restricted its ability to issue payment arrangements. From 2004 through 2018, the Commission turned away over 265,000 requests for payment arrangements – nearly 20,000 of which were denied in 2018 alone. As a result of the Chapter 14 restrictions on the Commission's authority to issue payment arrangements, there is a high level of debt that is not on an arrangement and, as such, is more likely to be written off as an uncollectible expense.⁵¹

The OCA agrees with CAC's statements that:

To be effective, payment arrangements must be reasonably affordable and should include terms that account for an individual's actual ability to pay over the entirety of the arrangement. In this way, payment arrangements should not favor short-term gains over long-term sustainability.⁵²

⁴⁸ OCA Comments at 10.

⁴⁹ HELP: MLP Comments, at 4.

⁵⁰ CAC Comments at 7.

⁵¹ *Id.*, citing https://www.puc.pa.gov/general/publications_reports/pdf/Chapter14-Biennial013020.pdf.

⁵² CAC Comments at 8.

As the OCA discussed in its Comments, the OCA strongly supports additional flexibility provided to customers. The concerns raised by these stakeholders are consistent with the concerns raised by the OCA in its Comments and should be addressed by the Commission for the reasons set forth in the OCA's Comments and those of the Commenters noted above.⁵³ As Vice Chair Barrow provided in her Statement,⁵⁴ the Commission should consider modifications to the length of the payment arrangements and the income levels at which the payment arrangements should be provided, and that those lengths of the payment arrangements be flexible based on the circumstances. Increased flexibility is important. The results and data demonstrate that payment arrangements under Chapter 14 are for the most part not successful and are only resulting in increased consumer and utility debt.

E. Proposed Section 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

In the *NOPR*, the Commission proposes modifying the existing Section 56.181 of the Commission's regulations to add language regarding the obligation to pay subsequent bills which are not in dispute.⁵⁵ The Commission provides:

Consistent with the former Section 1410 of the Code, we propose language that provides, "[p]ending 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" and that, "[p]rior 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." By modifying the existing regulation at Section 56.161 to add language regarding the obligation to pay subsequent

⁵³ OCA Comments at 8-15.

⁵⁴ *Rulemaking to Further Amend the Provisions of 52 Pa. Code Chapter 56*, Statement of Vice Chair Kimberly Barrow, Docket No. L-2025-3058767 (Feb. 19, 2026).

⁵⁵ 52 Pa. Code § 56.181.

bills that are not in dispute, we are incorporating the provisions of the former Chapter 14 of the Code, in accordance with the Motion.⁵⁶

The proposed revised portion of Section 56.181 would read:

(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 representatives determines is not disputed and subsequent bills which are not in dispute.

The OCA did not oppose the proposed changes. However, Columbia and C&T Utilities both addressed the proposed changes in its Comments. Columbia proposed to delete the language “subsequent bills not in dispute.”⁵⁷ Columbia argues that “the proposed language open the door for a customer to dispute every bill rendered during the pendency of an informal or formal complaint.”⁵⁸ Columbia argues that the charges are subject to refund.⁵⁹ The OCA opposes Columbia’s proposed deletion of the language. Effectively, while there is an on-going dispute a customer would need to file a dispute every month in order to preserve their rights. If there is a claimed faulty meter for example, the customer would continually need to dispute the charges in

⁵⁶ *NOPR Order* at 20.

⁵⁷ Columbia Comments at 2.

⁵⁸ *Id.*

⁵⁹ *Id.*

order to preserve the customer's claim. Once the dispute is raised, it should apply to all future bills without the need for the customer to continually raise a dispute regarding the same issue.

To the extent the Commission intends to entertain changes, the C&T Utilities urge the Commission to consider enhancements to ensure that customer abuse of the Chapter 56 system is curtailed. For example, the Commission could enhance the enforcement of the requirement within proposed Section 56.181 that consumers pay current bills while a complaint is pending.⁶⁰ C&T Utilities did not include any information regarding how "customer abuse" of the Chapter 56 system occurs or what "enforcement" should be provided as an "enhancement" of the requirement under Section 56.181 that consumers pay their current bill while a complaint is pending. The characterization presented by C&T Utilities is vague and unsupported and should not be considered. The OCA requests that Columbia and C&T Utilities' Comments be denied.

F. Proposed Section 56.225. Surcharges for Uncollectible Expenses Prohibited.

In the *NOPR*, the Commission proposes to create a new regulation at Section 56.225 to incorporate the prohibition against surcharges for uncollectible expenses formerly codified in Section 1408 of the Public Utility Code.⁶¹ The proposed Section 56.225 would provide:

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.⁶²

As discussed in the OCA's Comments, the OCA supports the continuation and inclusion of this prohibition against single-issue ratemaking without specific statutory authority.⁶³ The OCA responds to the Comments of the EAP, PECO, PPL, and PAWC as set forth below.

⁶⁰ C&T Utilities Comments at 2.

⁶¹ *NOPR Order* at 22.

⁶² *Annex A* at 5.

⁶³ OCA Comments at 15.

In its Comments, the EAP encourages the Commission to remove the proposed section to allow for optimal flexibility in considering due rate mechanisms.⁶⁴ PECO, PPL, and PAWC join the EAP in its opposition to the proposed Section 56.225, arguing that the Commission should be provided flexibility to make case-by-case determinations.⁶⁵ In its Comments, PAWC argues that the proposed language operates as a blanket prohibition and is unnecessary “given that the Commission has complete discretion to make the appropriate determination if a proposal is properly before it.”⁶⁶

The OCA submits that the proposed language of Section 56.225 is consistent with the former statutory language and with settled case law regarding surcharges. Section 1408 of the Public Utility Code provided:

The commission shall not grant or order for any public utility a cash receipts reconciliation clause or another automatic surcharge mechanism for uncollectible expenses. *Any orders by the commission entered after the effective date of this chapter for a cash receipts reconciliation clause or other automatic surcharge for uncollectible expenses shall be null and void.* This section shall not affect any clause associated with universal service and energy conservation.⁶⁷

The legislature clearly intended for Section 1408 to operate as a blanket prohibition on utilities imposing an automatic surcharge for uncollectible expenses. As such, PAWC’s argument fails because the Commission does not have any discretion or the authority to decide a utility’s proposal for a surcharge mechanism for uncollectible expenses.

A surcharge is permitted when (1) it is expressly authorized by statute or the Commission’s regulations, or (2) where an expense is easily identifiable.⁶⁸ Expenditures that are required by the

⁶⁴ EAP Comments at 3.

⁶⁵ PECO Comments at 7; PAWC Comments at 5; PPL Comments at 6-7.

⁶⁶ PAWC Comments at 5.

⁶⁷ 66 Pa. C.S. § 1408 (expired 2024) (emphasis added).

⁶⁸ *Popowsky v. Pa. PUC*, 13 A.3d 583, 591 (Pa. Cmwlth. 2011).

government can be recovered through a surcharge⁶⁹ because “[t]he initial process is essentially a mathematical review of the projections provided by the public utility. Therefore, there is no initial review to determine the appropriateness or necessity of the rate request.”⁷⁰ Unlike the surcharges permitted for the recovery of PENNVEST obligations and state tax adjustments, a utility’s recovery for uncollectible expenses is not an easily identifiable expense and not subject to mathematical review. As such, any recovery of uncollectible expenses must be limited to base rate cases.

Uncollectible expenses are a form of a utility’s bad debt. Recovery of such expenses is retroactive in nature and not recoverable under the Public Utility Code.⁷¹ As the Commonwealth Court provided in *PGW*, “such amounts are already included and established in the base rate case. PGW is already recovering these shortfalls through its base rates.”⁷² Recovery through a surcharge for an expense that is already recovered in base rates would allow for a double recovery of the expenses. The Commonwealth Court has determined that a surcharge on uncollectible expenses would act as a recovery of a specific line item that is traditionally requested in a rate-making procedure and thus constitutes single-issue ratemaking.⁷³

Additionally, the Comments of EAP, PECO, PPL, and PAWC raise additional questions and concerns. In its Comments, PPL notes that of its customers that have arrearages greater than \$10,000, nearly 25 percent of those customers are enrolled in a customer assistance program.⁷⁴ Further, 10 percent of those customers are enrolled in active payment agreements, and 26 percent

⁶⁹ See 52 Pa. Code § 69.363 (allowing surcharges to recover outstanding PENNVEST obligations) and 52 Pa. Code § 69.53 (allowing surcharges for state tax adjustments).

⁷⁰ *Masthope Rapids Prop. Owners Council v. Pa. PUC*, 581 A.2d 994, 1000 (Pa. Cmwlth. 1990).

⁷¹ *Phila. Gas Works v. Pa. PUC*, No. 1914 C.D. 2007, 2009 Pa. Commw. Unpub. LEXIS 797 (Cmwlth. Feb. 4, 2009).

⁷² *Id.* at 23.

⁷³ *Pa. Indus. Energy Coalition v. Pa. PUC*, 653 A.2d 1336, 1350 (Pa. Cmwlth. 1995) (“Single issue ratemaking is similar to retroactive ratemaking and, in general, is prohibited if it impacts on a matter that is normally considered in a base rate case.”).

⁷⁴ PPL Comments at 5.

are actively engaged in the collections process.⁷⁵ If the utilities imposed a surcharge on these arrearages, it would amount to adding debt upon debt. Moreover, the EAP and the utilities have not put forth any recommendations about the procedure and substance of how a surcharge mechanism on uncollectible expenses would work. When would the surcharge mechanism be attached? Which classes of customers would shoulder the fiscal impact of the surcharge? How will the utilities be able to write off the surcharge on uncollectible expenses?

Given the absence of any statutory authority to impose surcharges to recover uncollectible expenses, the potential for double recovery of the expenses due to single-issue ratemaking, the OCA recommends that the Comments of the EAP, PECO, PPL, and PAWC be denied.

G. Proposed Section 56.251. Statement of Purpose and Policy

The Commission's *NOPR* proposes to modify the existing Section 56.251 by eliminating references to the former Section 1417 of the Public Utility Code.⁷⁶ Section 1417 provided that the subchapters L-V of Chapter 14 applied only to survivors of domestic violence, and exempted survivors from the billing, collections, and termination standards of Chapter 14.⁷⁷ The *NOPR Order* clarified that Commission does not intend to alter the framework of Subchapters L-V of Chapter 56.⁷⁸ The proposed language for Section 56.251 maintains the existing protections for survivors of domestic violence.⁷⁹

As discussed in its Comments, the OCA continues to support heightened protections for survivors of domestic violence.⁸⁰ The OCA notes that CAUSE-PA/TURN and PCADV have

⁷⁵ *Id.*

⁷⁶ *NOPR Order* at 23.

⁷⁷ 66 Pa.C.S. § 1417 (expired 2024).

⁷⁸ *NOPR Order* at 23.

⁷⁹ *Annex A* at 5-6.

⁸⁰ OCA Comments at 16.

proposed recommendations to further strengthen the protections in Subchapters L-V.⁸¹ Specifically, CAUSE-PA/TURN and PCADV recommend the Commission adopt these measures:

- Allow for self-verification of domestic violence by survivors to be modeled after Act 55 of 2025;
- Allow for third-party verification of domestic violence by medical providers and/or a domestic violence counselor/advocate;
- Submission of a court order, record, or police report besides a PFA order which establishes domestic violence.⁸²

The OCA recognizes the vital work these organizations do for survivors of domestic violence and hereby defers to and endorses the recommendations proposed by CAUSE-PA/TURN and PCADV.

III. REPLY COMMENTS TO ADDITIONAL AMENDMENTS PROPOSED BY INTERESTED STAKEHOLDERS

A. Overview

The OCA addresses below its responses to Comments made regarding addressing Chapter 56 regulation changes beyond those addressed in the *NOPR Order*. In particular, the OCA notes that many of the stakeholders have raised issues related to the overall affordability of utility service in addition to the components related to disconnection and termination protections. An important consideration is the overall impact of the proposed changes to assist with helping customers to maintain essential utility services.

One important theme throughout the advocate comments is the need to preserve affordability and utility service for customers. This includes the need to extend protections and to eliminate unnecessary fees for restoration of service, for late payment fees, for paying electronically for service. These fees impact the ability for customers to obtain and to maintain affordable utility service.

⁸¹ CAUSE-PA/TURN Comments at 58-61; PCADV Comments at 2-6.

⁸² CAUSE-PA/TURN Comments at 58-61; PCADV Comments at 2-6.

B. Extension of Moratorium Protections

The CCJ, CEO, CAC, Pennsylvania Ratepayers, the Governor’s Office, Energy Justice Lab, PCADV, the Joint Commenters, and CAUSE-PA/TURN all raised concerns regarding the need for a summer moratorium.⁸³ The Energy Justice Lab recommended that income requirements for the shutoff moratorium be removed.⁸⁴ The Commenters have proposed a moratorium for a period of months or a cessation for extended period of months of terminations. As noted by the CAC Comments, “at least 19 states and the District of Columbia have implemented some form of protection against terminations of utility service during the hottest summer periods.”⁸⁵

The OCA agrees that it is important to put in place summer protections. However, the OCA does not agree that, at this time, a full summer moratorium is the right answer. There are different ways of addressing a summer moratorium. A summer moratorium can be for a defined period of time such as June to August or September. Alternatively, a moratorium can also exist when specific temperature-related conditions exist in order to provide protections from terminations when a heat wave occurs or the heat index exceeds a particular metric. Many of the states identified in the LIHEAP Clearinghouse link cited by CAC have implemented temperature-based summer protections instead of a full summer moratorium.⁸⁶

The winter moratorium is balanced with cash and crisis LIHEAP assistance for customers. Typically, the LIHEAP season opens just before the winter heating season on or around November

⁸³ CCJ Comments at 2; CEO Comments at 2; CAC Comments at 4-5; Pennsylvania Ratepayers at 1; Governor’s Office Comments at 7; Energy Justice Lab Comments at 2-3; PCADV Comments at 12-13; Joint Commenters Comments at 3; CAUSE-PA/TURN Comments at 72.

⁸⁴ Energy Justice Lab Comments at 3.

⁸⁵ CAC Comments at 4-5, *citing* LIHEAP Clearinghouse, Disconnect Policies, <https://liheapch.acf.gov/Disconnect/hot-weather.htm> (last updated July 14, 2026).

⁸⁶ CAC Comments at 4, n.4. Arizona, Arkansas, California, Colorado, Delaware, District of Columbia, Georgia, Illinois, Indiana, Maryland, Missouri, Mississippi, Nevada, New Jersey, Oklahoma, Rhode Island, Texas, Virginia, Washington, and Wisconsin all have temperature-based summer protections. *See* LIHEAP Clearinghouse, Hot Weather Disconnect Policies, <https://liheapch.acf.gov/Disconnect/hot-weather.htm> (last updated July 14, 2026).

1st and then continues with cash and crisis assistance through typically April after the winter moratorium ends on March 31. Customers who have gotten behind on their bills during the winter moratorium have the ability to obtain financial assistance to help restore or maintain service when utility terminations commence on April 1. If a moratorium ends at the end of August, bills for August typically are paid by customers in September when there is not any assistance available from LIHEAP.

The OCA understands and shares the concerns of the low-income advocates regarding the potential harms related to heat-related issues due to loss of service in the summer as discussed in the Comments of CAUSE-PA/TURN, CCJ, CAC, CEO, Pennsylvania Ratepayers, Joint Commenters, Energy Justice Lab, and the Governor's Office. The OCA, however, also has concerns with establishing a full summer moratorium, particularly without any LIHEAP funding support after the moratorium.

The OCA notes the example of the seasonal temperature-based protections provided in Maine:

1. For residential customers of transmission and distribution utilities and gas utilities, the rules must:
 - A. Prohibit the termination or disconnection of utility service for unpaid utility bills during extreme weather or temperature conditions, including extreme heat or humidity, between April 16th and November 14th; and
 - B. Establish a threshold dollar amount greater than \$50 owed by a customer who does not pay or make a payment arrangement on an undisputed overdue utility bill at or above which the utility may terminate or disconnect utility service⁸⁷

As referenced in the summary from the LIHEAP Clearinghouse, the temperatures and conditions for which the temperature-based protections apply vary from state to state where such protections are provided.

⁸⁷ 35-A M.R.S. § 718(1)(A)-(B).

The CAC and CAUSE-PA/TURN also both urge that the moratorium protections be extended to water and wastewater.⁸⁸ The CAC quoted its 2023 Comments to the Commission regarding the importance of also extending the protections to water and wastewater customers:

When water is shut off, the health department often moves quickly to condemn the property – forcing families from their home. Water terminations in winter can also impact critical household infrastructure, further impacting the household’s fragile economic insecurity.⁸⁹

The OCA agrees that such protections should be extended to water and wastewater customers. As the OCA discussed in its Comments, the OCA recommended that all Chapter 56 protections be extended to water and wastewater customers.⁹⁰

The OCA recommends that a temperature-based summer moratorium be considered in order to address the concerns raised by the advocates.

C. Unnecessary Fees Including Section 56.21 Payment Fees; 56.22 Accrual of Late Payment Charges, 56.191 Payment and Timing

The OCA proposed in its Comments the elimination of fees for payment in Section 56.21(5), elimination of restoration fees for customers at or below 300% of the FPL, exemptions from deposits for Confirmed Low Income Customers and elimination of late fees in Section 56.22(d) in particular when a customer is on a payment plan or enrolled in a universal service program.⁹¹ Numerous commenters also raised concerns with continuation of fees.⁹²

The Governor’s Office Comments specifically recommended that late payment charges and reconnection fees for customers with incomes below 300% of the FPL should be banned. CAUSE-PA/TURN similarly recommended the waiver of late payment charges for customers below 300%

⁸⁸ CAC Comments at 5; CAUSE-PA/TURN Comments at 72.

⁸⁹ CAC Comments at 5.

⁹⁰ OCA Comments at 36.

⁹¹ OCA Comments at 42, 80-81; 52 Pa. Code §§ 45.21(5), 56.22(d), 56.191(c)(2)(i).

⁹² See HELP : MLP Comments at 9; CCJ Comments at 2.

of the FPL.⁹³ The OCA recommends that if the Governor's Office's recommendation is supported by the Commission, that the 300% of FPL be used across the board.

The OCA agrees that late payment fees particularly discriminate against low-income customers. Utilities often do not allow customers with arrears to enter into budget billing. If for example, Customer A is a low-income customer with an arrears and ineligible for budget billing. Customer A cannot afford the winter bills and then accrues an arrears and is charged a late payment charge each month during the winter and beyond until she reduces her arrearages to \$0 in the lower cost, warm weather months. Her payments are constant, but not sufficient to pay her high cost monthly bill. In contrast, Customer B is higher income and does not have any arrears. Customer B is allowed to enter into budget billing which allows her to push some of her winter monthly bills off into the lower cost, warm weather months. However, the utilities do not charge interest on balances carried under budget billing. So, even though Customer A and B are doing the same thing (levelizing their payments over time), Customer A gets charged the late fee while Customer B does not, even if they have identical payment patterns and even if they push off an identical amount of their winter bills into the lower cost warm weather months to be paid.

Columbia specifically opposed a late payment charge waiver of Section 56.22(d) in their Comments.⁹⁴ Columbia stated the issue is addressed by the existing regulations and is redundant of Section 56.181(3)⁹⁵ regarding the need to pay interest where an overpayment is found, but the difference between the existing regulation and the OCA's proposed regulation is that the difference between mandatory and precatory language. The current language in Section 56.22(d) provides:

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

⁹³ CAUSE-PA/TURN Comments at 34-35.

⁹⁴ Columbia Comments at 3.

⁹⁵ 52 Pa. Code § 56.181(3).

household income not exceeding 150% of the Federal poverty level. See 66 Pa. C.S. § 1409 (relating to late payment charges).⁹⁶

The current language is permissive and states that a utility may waive a late payment charge, but is not required to do so.

The OCA's proposed language provides:

(d) A public utility shall not charge late payment charges on a payment plan or on customers enrolled in the public utility's universal service programs.

~~(d)~~ (e) A public utility may waive late payment charges on any customer accounts.⁹⁷

As the OCA stated in its Comments, the OCA believes that late fees should be reconsidered as a part of the Commission's review of Chapter 56.⁹⁸ It is the OCA's experience that late fees are not cost-based. Pennsylvania utilities have universally disclaimed having information which supports the conclusion that late payment fees serve any "incentive" function, or have any impact in reducing arrears or accelerating payments. Eliminating such fees will encourage customers to negotiate affordable payment plans and avoid contributing to unaffordable payments. Furthermore, low income customers enrolled in the utility's universal service programs should not be required to pay higher charges to participate in programs that are designed to assure more affordable service.

For reconnection fees, the OCA agreed with other commenters that reconnection fees not be assessed to customers below 300% of the FPL. The OCA has proposed the changes to this section reflect the widespread use of automatic metering devices that do not require any in-person visit to reconnect service. Such reconnections should be implemented promptly given the technology that allows a remote turn on for the meter. Reconnection fees for such situations should not result in an additional charge to the customer since the functionality of the automatic metering system features is a benefit that should not result in additional charges.

⁹⁶ 52 Pa. Code § 56.22(d).

⁹⁷ Proposed 52 Pa. Code § 56.22(d), (e).

⁹⁸ OCA Comments at 42-43.

The OCA supports the advocates' proposals to eliminate barriers to service by eliminating late fees, have exemptions for deposits and no reconnection fees for customers below 300% of the Federal Poverty Level. These fees impact the ability for customers to obtain and to maintain affordable utility service.

D. Section 56.94. Procedures immediately prior to termination

In its Comments, PPL proposes to eliminate the same day personal contact requirement of Section 56.94 as an opportunity to reduce customer costs and to protect utility workers.⁹⁹ Section 56.94 provides that “immediately preceding the termination of service, a public utility employee, shall attempt to make personal contact with a responsible adult occupant at the residence of the customer.”¹⁰⁰ PPL argues that with the advancement of smart meters, utilities can remotely terminate service while ensuring the safety of their workers and maintaining multiple customer notifications.¹⁰¹

First, PPL is still bound to the terms of the Settlement Agreement at Docket No. P-2016-2524581, which provides that:

PPL Electric will send an appropriately trained field representative to the customer's premises on the day that termination is scheduled to occur. The field representative will use reasonable efforts to make personal contact with a responsible adult occupant of the premises prior to termination.¹⁰²

Moreover, as part of the settlement agreement, PPL is required to ensure that its field representatives are appropriately trained in “medical certificate procedures; relevant complaint procedures; general familiarity with PFA Orders; and how to refer customers to PPL Electric's universal service programs.”¹⁰³ Even if the Commission eliminated the same day personal contact

⁹⁹ PPL Comments at 8.

¹⁰⁰ 52 Pa. Code § 56.94.

¹⁰¹ PPL Comments at 8.

¹⁰² *Pet. of PPL Elec. Utilities Corp. for Approval to Use the Remote Service Switch in its Meters for Involuntary Service Termination*, P-2016-2524581 (Dec. 7, 2016), R.D. at 4 (*PPL R.D.*).

¹⁰³ *Id.*

requirement found in Section 56.94, PPL is still required to make personal contact with a customer before terminating service.

The OCA does not agree with PPL's proposal of eliminating Section 56.94. As discussed on our Comments, the OCA has documented concerns that several public utilities are not properly training its field services representatives of the provisions of Chapter 56 as they relate to customer contact.¹⁰⁴ Given the lack of clarity and uniform implementation of Section 56.94, the OCA reiterates our recommendation to require a utility to attempt to make personal contact at the customer's door unless there is evidence of safety or potential harm to the utility's representative.¹⁰⁵

Further, allowing utilities to remotely terminate service does not sufficiently apprise customers of their rights and responsibilities. The United States Supreme Court has held that "the expectation of utility services rises to the level...of a 'legitimate claim of entitlement' encompassed in the category of property interest," implicating procedural due process.¹⁰⁶ Due process requires that utilities provide customers "notice reasonably calculated to apprise [customers] of the availability of an administrative procedure to consider the[] complaint of erroneous billing," and the customer is "afforded an opportunity to present their complaint to a designated employee empowered to review disputed bills and rectify error" prior to termination of service.¹⁰⁷ As addressed in its Comments, the OCA has raised concerns about the utilities' practice of issuing duplicative disconnection notices that are not acted upon in violation of the Commission's regulations.¹⁰⁸ If utilities keep issuing duplicative disconnection notices without

¹⁰⁴ OCA Comments at 67.

¹⁰⁵ *Id.* at 69.

¹⁰⁶ *Memphis Light, Gas & Water Div. v. Craft*, 436 U.S. 1, 9 (1978).

¹⁰⁷ *Id.* at 16.

¹⁰⁸ OCA Comments at 59-65; *see also* 52 Pa. Code § 56.112 (use of termination notice solely as collection device is prohibited).

following through and making meaningful contact with the customer, customers will learn to ignore these notices and lose their opportunity to assert their rights and responsibilities provided to them under Chapter 56. Section 56.94 serves to provide customers with clear, actual notice of a termination and for customers to learn about protections available to them under Chapter 56. Eliminating this requirement would be eliminating a procedural safeguard designed to protect customers' legitimate interest in the continuation of their utility service and to protect customers from termination.

E. Further Improvements to Medical Certifications

In her Statement at the Commission's February 19, 2026, Public Meeting, Vice Chair Barrow identified concerns that the *NOPR* did not take the opportunity to address additional issues with Chapter 56 and to improve upon the existing protections provided for in Chapter 56.¹⁰⁹ One issue Vice Chair Barrow raised was modifications to medical certifications.¹¹⁰ The OCA responds to the comments of CAUSE-PA/TURN, PCADV, Joint Commenters, CAC, HELP: MLP, OSBA, and the Governor's Office as set forth below.

1. Sections 56.111. General Provisions

In her Statement, Vice Chair Barrow expressed interest in expanding the group of medical professionals that are eligible to sign a medical certificate. Currently, the Commission's regulations provide that only a "licensed physician, physician assistant, or nurse practitioner" can sign off on a medical certificate.¹¹¹ Multiple stakeholders propose amending Section 56.111 to include registered nurses as an approved signatory of medical certificates.¹¹² In its Comments, PCADV

¹⁰⁹ *Rulemaking to Further Amend the Provisions of 52 Pa. Code Chapter 56*, Statement of Vice Chair Kimberly Barrow, Docket No. L-2025-3058767 (Feb. 19, 2026).

¹¹⁰ *Barrow Statement* at 1-2.

¹¹¹ 52 Pa. Code § 56.111.

¹¹² CAUSE-PA/TURN Comments at 63; HELP:MLP Comments at 5; Joint Commenters Comments at 3; Governor's Office Comments at 7.

proposes expanding the type of medical professionals qualified to sign medical certificates to include licensed psychologists, psychiatrists, clinical social workers, or another licensed provider acting within the professional's scope of practice.¹¹³ PCADV further recommends that the Commission amend its medical certification procedures to ensure that they are accessible, confidential, trauma-informed, and reasonably flexible for medically vulnerable customers.¹¹⁴

In its Comments, HELP: MLP recommends that nurse-home visitors should be included as approved signatory of medical certificates, given that nurse-home visitors are often an individual's and their families' most accessible and frequently used healthcare provider.¹¹⁵ In its comments, CAUSE-PA/TURN argues that Commission's definition of a "medical certificate" does not require the eligible medical professional to have diagnostic authority, but instead requires that the qualifying medical professional signing the medical certificate has the capacity to certify whether someone is seriously ill or has been diagnosed with a medical condition.¹¹⁶

As discussed in our Comments, the OCA supports expanding the group of medical professionals who can sign a medical certificate, including registered nurses and home healthcare providers.¹¹⁷ As such, the OCA supports the recommendations proposed by CAUSE-PA/TURN, HELP: MLP, the Governor's Office, Joint Commenters, PCADV, and the CAC to expand the group of medical professionals who are eligible to sign medical certificates.

¹¹³ PCADV Comments at 11.

¹¹⁴ *Id.*

¹¹⁵ HELP: MLP Comments at 6.

¹¹⁶ CAUSE-PA/TURN Comments at 68. CAUSE-PA/TURN further recommend amending the definition of "medical certificate" as in Section 56.2 (Definitions) to include a definition for registered nurse. *Id.* at 65.

¹¹⁷ OCA Comments at 74.

2. Section 56.112. Postponement of termination pending receipt of certificate.

Another recommendation advanced by multiple stakeholders is for the Commission to reinstate the seven-day restriction on termination while a customer seeks a medical waiver.¹¹⁸ The Commission's current regulations provide that:

If, prior to termination of service, the public utility employee is informed that an occupant is seriously ill or is affected with a medical condition which will be aggravated by a cessation of service and that a medical certification will be procured, termination may not occur for at least 3 days.¹¹⁹

Prior to 2014, the regulations provided that a customer had seven days to obtain a medical certificate before a utility could terminate service. In its Comments, CAUSE-PA/TURN argue that it is difficult for customers to schedule a doctor's appointment or contact a qualifying medical professional to sign off on a medical certificate.¹²⁰

The OCA did not address Section 56.112 in its initial Comments. The OCA supports the recommendations proposed by CAUSE-PA/TURN, the Governor's Office, the Joint Commenters, and the CAC to restore the seven-day grace period to obtain a medical certificate. The OCA submits that at a minimum, the seven-day grace period should be counted as calendar days. If the Commission elects not to amend Section 56.112, the OCA seeks clarification if the three-day grace period refers to calendar days or business days. At a minimum, the OCA submits that the current three-day grace period must refer to business days because in particular, if a customer is terminated on a Thursday before a long holiday weekend, then the customer may have significant challenges getting a medical certificate from a medical professional.

¹¹⁸ CAUSE-PA/TURN Comments at 66; Governor's Office Comments at 7; Joint Commenters Comments at 3; CAC Comments at 7.

¹¹⁹ 52 Pa. Code § 56.112.

¹²⁰ CAUSE-PA/TURN Comments at 70.

3. Section 56.114. Length of postponement; renewals.

Currently, the maximum length of a medical certificate is 30 days, and customers seeking to extend their coverage must renew every 30 days.¹²¹ Multiple stakeholders recommend amending Section 56.114 to extend the coverage of a medical certificate beyond 30 days to 90 days.¹²² For individuals with chronic or long-term illnesses, the Governor's Office, Joint Commenters, and CAUSE-PA/TURN recommend extending the coverage period for a medical certificate to 180 days.¹²³ These stakeholders point out that the Commission's current regulations make it both untenable and unrealistic for medically vulnerable customers to seek relief from termination and may compound external factors that would preclude medically vulnerable customers from obtaining a medical certificate.

In its Comments, the OCA did not address extending the coverage period of a medical certificate. The OCA supports and endorses the comments of CAUSE-PA/TURN, HELP: MLP, the Joint Commenters, CAC, and PCADV of extending the coverage of a medical certificate beyond the current 30-day period. The OCA joins CAUSE-PA/TURN, HELP: MLP, the Joint Commenters, and the Governor's Office in their recommendations in extending the coverage of a medical certificate to 90 days.

As for extending the coverage of a medical certificate to 180 days for individuals with chronic, long-term illnesses, the OCA notes that case law interprets the Commission's medical emergency regulations to apply not only to short-term illnesses, but also to chronic illnesses where a medical condition will be aggravated by termination of service.¹²⁴ However, the Commonwealth

¹²¹ 52 Pa. Code § 56.114.

¹²² Governor's Office Comments at 7; HELP: MLP Comments at 7; Joint Commenters Comments at 3; CAUSE-PA/TURN Comments at 69. PCADV and CAC recommend that the Commission adopt regulations to extend the coverage of a medical certificate beyond the current 30-day timeframe, but do not offer specific recommendations as to the length of coverage. *See* PCADV Comments at 11; CAC Comments at 7.

¹²³ Governor's Office Comments at 7; CAUSE-PA/TURN Comments at 69-70; Joint Commenters Comments at 3.

¹²⁴ *Jackson v. Pa. PUC*, 522 A.2d 1187, 1190 (Pa. Cmwlth. 1987).

Court found that the Commission’s regulations “mention neither the duration nor the nature of an illness as factors to be considered for medical certification purposes.”¹²⁵ As such, the OCA supports and endorses the Comments of CAUSE-PA/TURN, Joint Commenters, and the Governor’s Office of establishing an 180-day coverage period for medical certificates for customers with chronic and long-term illnesses. By providing that chronic and long-term illnesses are factors for the Commission to consider when evaluating the validity of a medical certificate, the Commission will have greater flexibility to respond and protect medically vulnerable customers from terminations.

4. Section 56.116. Duty of customer to pay bills.

The Commission’s current regulations provide that when the protections of a medical certificate are in place, customers still have a duty to make timely payments on current charges to renew a medical certificate beyond the first 90 days of protection.¹²⁶ In practice, stakeholders argue that the utilities rarely inform medically vulnerable customers of their ongoing payment obligation, and there is no uniform and standardized requirement for utilities to provide customers with critical information regarding medical certificates.¹²⁷

CAUSE-PA/TURN and the Governor’s Office submit that the Commission should require utilities to clearly communicate to customers their payment requirements during and after the medical certification period.¹²⁸ This informational requirement would help customers better understand their duty to pay current bills and the medical certification renewal process, hereby avoiding termination, improving ongoing payment, and reducing accrual of uncollectible

¹²⁵ *Id.*

¹²⁶ 52 Pa. Code §§ 56.114(2), 56.116.

¹²⁷ CAUSE-PA/TURN Comments at 71; Governor’s Office Comments at 8; PCADV Comments at 12; CAC Comments at 7.

¹²⁸ CAUSE-PA/TURN Comments at 71; Governor’s Office Comments at 8.

arrears.¹²⁹ PCADV recommends that utilities should be required to provide information concerning eligibility, submission procedures, deadlines, renewal rules, confidentiality protections, and appeal rights of the medical certificate process to customers in clear, plain language, as well as in multiple languages and in an accessible format.¹³⁰

As discussed in our Comments, the OCA recommended adding the language “payment arrangement or” to Section 56.116 to allow medically vulnerable customers the ability to negotiate a payment arrangement to pay current and undisputed bills during the medical certification process.¹³¹ The OCA supports the Comments raised by CAUSE-PA/TURN, the CAC, PCADV, and the Governor’s Office requiring utilities to provide critical information regarding the medical certification process to customers during and after the coverage period.

5. Screening Medically Vulnerable customers for eligibility in CAP and other Universal Service Programs; Section 56.153(2).

In its Comments, HELP: MLP recommends that the Commission require utilities to proactively screen medically vulnerable customers and their families for CAP and other universal service programs prior to establishing a payment arrangement.¹³² In the *NOPR*, the Commission proposed amending Section 56.153(2) to require utilities to refer the customer or applicant to its universal service program administrator to determine eligibility and possible enrollment when a customer contacts a utility to establish a payment arrangement.¹³³ The OCA supports this proposal.

¹²⁹ CAUSE-PA/TURN Comments at 71; Governor’s Office Comments at 8.

¹³⁰ PCADV Comments at 12.

¹³¹ OCA Comments at 76-77.

¹³² HELP: MLP Comments at 6.

¹³³ *Annex A* at 3.

F. Language Access; Sections 56.91(17), 56.201(b).

According to the U.S. Census Bureau, approximately 1.7 million Pennsylvanians speak a language other than English,¹³⁴ with approximately 39% having limited English proficiency.¹³⁵ Currently, the Commission's regulations require utilities to translate termination notices and other critical documents into Spanish, as well as in other languages if at least five percent of the residents in the service territory speak a given language.¹³⁶ Additionally, the utilities are required to translate billing information in Spanish but only if the public utility "serves a substantial number of Spanish-speaking customers."¹³⁷

Multiple stakeholders have urged the Commission to update its language access requirements and regulations. CAUSE-PA/TURN recommend that the Commission amend Section 56.91(17) to require that termination notices are translated and disseminated in the top five languages spoken in a utility's given service territory.¹³⁸ Specifically, CAUSE-PA/TURN advance the following amendment to Section 56.91(17):

§56.91. General notice provisions and contents of termination notice.

(17) Information in ~~Spanish~~ **the top five languages spoken in the public utility's service territory indicating that the document is an urgent notice of termination and** directing ~~Spanish-speaking~~ customers **with limited English proficiency to the numbers to call for information and translation assistance.** ~~Similar information shall be included in other languages when census data indicates that 5% or more of the residents of the public utility's service territory are using that language.~~¹³⁹

¹³⁴ U.S. Census Bureau, Pennsylvania profile, <https://data.census.gov/profile/Pennsylvania?g=040XX00US42> (last visited Oct. 6, 2026).

¹³⁵ Penn State Data Center, *Language Diversity in Pennsylvania: Research Brief* (Feb. 2025), https://pasdc.hbg.psu.edu/sites/default/files/resources/Feb_2025_1.pdf.

¹³⁶ 52 Pa. Code § 56.91(17).

¹³⁷ 52 Pa. Code § 56.201(b).

¹³⁸ CAUSE-PA/TURN Comments at 82-83.

¹³⁹ CAUSE-PA/TURN Appendix A at 2-3.

The Governor's Office recommends that at a minimum, disconnection notices must be provided in English and Spanish.¹⁴⁰ Additionally, the disconnection notice must prominently include a sentence in each of the top five spoken languages of the service territory that clearly communicates to the customer that they are going to be disconnected and includes a link to the complete translation of the notice in each of those languages.¹⁴¹

In its Comments, the OSBA recommends removing the qualification that Spanish-language requirements of Section 56.201(b) apply to public utilities that "serve[] a substantial number of Spanish-speaking customers" because the phrase "substantial number" is inherently uncertain and may result in an inconsistent application of the regulation among public utilities.¹⁴² The OSBA recommends that the Commission require utilities to provide billing information in both English and Spanish, thus establishing a uniform standard across all public utilities.¹⁴³ The OSBA advances the following amendment to Section 56.201(b):

§ 56.201. Public Information.

(b) A public utility ~~[which serves a substantial number of Spanish-speaking customers]~~ shall provide billing information in English and in Spanish. The written information must indicate conspicuously that it is being provided in accordance with this title and contain information concerning, but not limited to, the following.¹⁴⁴

In its Comments, the OCA made several recommendations to the Commission's regulations to address language access.¹⁴⁵ The OCA is aware that many utilities use language line services to communicate with non-English speaking customers, but has raised concerns that utilities are not properly training its field staff on how to properly use these services. The OCA agrees with the

¹⁴⁰ Governor's Office Comments at 8.

¹⁴¹ *Id.* at 8.

¹⁴² OSBA Comments at 30.

¹⁴³ *Id.* at 31.

¹⁴⁴ *Id.* at 30.

¹⁴⁵ OCA Comments at 67-70, 82-83.

OSBA that the Commission should adopt a uniform standard for language access, and that billing information should at a minimum be translated into Spanish. However, the OCA believes the Commission should go further than just requiring Spanish translations for termination notices and other critical information. The OCA recommends that the Commission model its language access regulations off the Fair Housing Act’s (FHA) Limited English Proficiency (LEP) guidelines as they relate to providing translations of “vital documents.”¹⁴⁶ The HUD Guidance provides:

HUD “Safe Harbors” for Language Translations of Vital Documents	
Size of language group	Recommended provision of written language assistance
1,000 or more in the eligible population in the market area or among current beneficiaries	Translated vital documents
More than 5% of the eligible population or beneficiaries AND more than 50 in number	Translated vital documents
More than 5% of the eligible population or beneficiaries AND 50 or less in number	Translated written notice of right to receive free oral interpretation of documents
5% or less of the eligible population or beneficiaries AND less than 1,000 in number	No written translation is required

The OCA reiterates our recommendation that the Chapter 56 regulations should place the burden on public utilities to ensure that non-English speaking customers can access vital documents in their preferred or native language, allowing these customers to understand their rights when it comes to termination, billing, and more.

IV. ADDITIONAL COMMENTS AND ISSUES NOT SPECIFICALLY TIED TO A REGULATION

A. Overview

In this Section, the OCA responds to the Comments regarding additional general issues raised that are not specifically tied to the Commission’s regulations. The OCA notes that many of

¹⁴⁶ 72 FR § 2732.

these Comments focus on affordability, increasing protections for vulnerable and low-income customers, and improving customer services standards for utilities.

B. Establishing a “Medical CAP”

In its comments, HELP: MLP recommends establishing a “medical CAP” for medically vulnerable customers whose income are moderately over the 150% CAP eligibility limit, modeling it off other utility assistance protections that are available to households below the 200%, 250%, or 300% FPL. HELP: MLP argues that this additional protection could be a life-saving measure for medically vulnerable customers that rely on utility access for medical equipment and devices.¹⁴⁷

The OCA submits that HELP: MLP’s Comments represent a misunderstanding of the income eligibility requirements for CAP. The OCA submits that instead of establishing a medical CAP, the Commission should expand eligibility for arrearages forgiveness for households whose income is currently above the 150% FPL threshold. This would cover households whose income is above the current eligibility threshold, but whose medical expenses make it hard to afford utility services.

C. Call Center Access and Customer Service Standards

In its Comments, the CAC advanced several recommendations regarding utilities’ use of automated call systems to field customers’ calls regarding critical billing, collections, and termination matters. The CAC argues that customers, especially seniors, disabled individuals, individuals with limited English proficiency, and low-income households that do not have access to a stable telecommunications system, will face significant frustration and have difficulty navigating automated call systems. Specifically, the CAC recommends that the Commission set

¹⁴⁷ HELP: MLP Comments at 7.

parameters on the use of automated call systems by utilities, such as requiring an option for the customer to immediately bypass the automation and speak to a live agent. Further, the CAC recommends that calls regarding highly sensitive consumer matters must be handled by a live agent, the Commission limit the use of automation to after-hours operations, and require utilities to offer a call-back option that allows customers to hold their place in line without waiting on hold.¹⁴⁸

The OCA supports and endorses the recommendations advanced by the CAC. We join the CAC in recommending that the Commission undertake a full review of its policies and standards for monitoring utility call center performance.¹⁴⁹ As technology changes, the Commission's regulations should be updated to address the need for live agents to avoid the shift of utilities employing artificial intelligence chat bots and agents handling utility calls.

D. Uniquely Vulnerable Households

The Pennsylvania Ratepayers proposed that there be expanded protections for "uniquely vulnerable households" including individuals with a medical condition, disability, seniors, families with young children and survivors of domestic violence.¹⁵⁰ The Comments did not provide further specificity regarding the protections should be expanded. However, the OCA would note that in New Jersey, there is regulation requiring utilities to identify and code their aging households for special personal contact prior to a disconnection.¹⁵¹ The Commission may want to think about whether Pennsylvania utilities should have a definition and marker akin to "Confirmed Low-Income" for "uniquely vulnerable." If the utility has information that would lead them to conclude that a household is "uniquely vulnerable" (as defined in these comments), that marker would then

¹⁴⁸ CAC Comments at 9-10.

¹⁴⁹ *Id.* at 10.

¹⁵⁰ Pennsylvania Ratepayers at 1.

¹⁵¹ N.J. Admin. Code § 14:3-3A.4(c).

be used on shutoff notices, in negotiating payment arrangements, and perhaps other things. The OCA would propose that in order to implement the Pennsylvania Ratepayers' Comment, however, is simply that there be a "uniquely vulnerable" market, that is not income-based, and that is analogous to the "Confirmed Low-Income" designation.

E. Opt-Out CAP System

In its Comments, CCJ proposes to move to an opt-out CAP system.¹⁵² There is not currently a mechanism by which the full population of CAP customers could be opted into the program. In other jurisdictions where the CAP population is the same as the LIHEAP population, that may be possible, but in Pennsylvania, that is not the case. For example, with the LIHEAP data sharing, LIHEAP recipients are able to opt into sharing their income information with the utility. While some utilities have worked to integrate LIHEAP customers into CAP using the income information provided, the Commission has expressed concerns with requiring that the programs be opt-out only. Moreover, the income information would only be available for LIHEAP recipients, which does not represent the full population of CAP participants. Under CAP, there is a requirement for the customer to provide income information in order to set the percentage of income ceiling on a customer's bill. To have an opt-out system, there would need to be an identified population to auto-enroll unless the customer opts out. The Comments do not specifically identify who that population would be.

V. CONCLUSION

For the reasons set forth above and in the Office of Consumer Advocates' initial Comments, the OCA supports some of the changes and opposes some of the changes by other interested

¹⁵² CCJ Comments at 3.

stakeholders. The OCA appreciates the opportunity to provide Reply Comments on the Commission's Notice of Proposed Rulemaking.

Respectfully Submitted,

Counsel for:

Darryl A. Lawrence

Consumer Advocate
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
717-783-5048

/s/ Christy M. Appleby

Christy M. Appleby, Esq.

Senior Assistant Consumer Advocate

PA Attorney I.D. # 81617

Email: CAppleby@paoca.org

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