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October 13, 2026

VIA ELECTRONIC FILING

Matthew L. Homsher, Esq., Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, Pennsylvania 17120

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

Dear Secretary Homsher:

Enclosed for filing please find the reply comments of the Energy Association of Pennsylvania to the comments filed in response to the Commission's February 19, 2026 Notice of Proposed Rulemaking Order at the above-referenced docket. Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell Bedell", written in a cursive style.

Russell Bedell
Director, Regulatory Strategy

Enclosure

cc via email:

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**REPLY COMMENTS OF THE ENERGY ASSOCIATION OF PENNSYLVANIA
TO COMMENTS ON THE FEBRUARY 19, 2026
NOTICE OF PROPOSED RULEMAKING ORDER**

I. INTRODUCTION

The Energy Association of Pennsylvania (“EAP” or “Association”) is a trade association representing Pennsylvania’s regulated electric and natural gas distribution utilities.¹ EAP submits these Reply Comments on behalf of its electric distribution company (“EDC”) and natural gas distribution company (“NGDC”) members in response to comments filed on the Pennsylvania Public Utility Commission’s (“PUC” or “Commission”) February 19, 2026 Notice of Proposed Rulemaking Order (“NOPR Order”) and Annex at the above-captioned docket. The NOPR Order proposes to incorporate into 52 Pa. Code Chapter 56 the provisions of the former Chapter 14 of the Public Utility Code (“Code”), 66 Pa.C.S. §§ 1401-1419, which expired on December 31, 2024. The Commission expressly noted that this rulemaking is not a general review of Chapter 56 and is intended instead to expeditiously amend Chapter 56 to include the specific enumerated provisions of former Chapter 14. (NOPR Order, pp. 11-12)

EAP filed comments on August 28, 2026 (“EAP Comments”), supporting the Commission’s streamlined approach to implementing the provisions of former Chapter 14 and urging the Commission to finalize the proposed regulations without expanding the scope of this

¹EAP members include: Citizens’ Electric Company; Columbia Gas of Pennsylvania, Inc.; Duquesne Light Company; FirstEnergy Pennsylvania Electric Company; Leatherstocking Gas Company, LLC; National Fuel Gas Distribution Corp.; Pike County Light & Power Company; PECO Energy Company; Peoples Natural Gas Company LLC; Philadelphia Gas Works; PPL Electric Utilities Corporation; UGI Utilities, Inc.; Valley Energy, Inc.; and Wellsboro Electric Company.

proceeding. EAP incorporates those comments by reference. Comments were also filed by, among others, the Office of Governor Josh Shapiro (“Governor’s Office”); the Office of Consumer Advocate (“OCA”); the Office of Small Business Advocate (“OSBA”); the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania and the Tenant Union Representative Network (together, the “Low Income Advocates” or “LIA”); the Commission’s Consumer Advisory Council (“CAC”); the Joint Commenters for Utility Access (“Joint Commenters”), a coalition that includes members of the General Assembly, local officials, community action agencies, and advocacy organizations; the Pennsylvania Coalition Against Domestic Violence (“PCADV”); the Health, Education and Legal Assistance Project: A Medical-Legal Partnership (“HELP: MLP”); the Energy Justice Lab (“EJL”); the Center for Coalfield Justice (“CCJ”); the Commission on Economic Opportunity (“CEO”); and a group of individual customers (“Joint Ratepayer Comments”). Several EAP members and water utilities also filed comments. EAP defers to the water and wastewater utilities on proposals that would affect only their service. Individual EAP members may also express their views in separate filings.

Affordability is a theme that runs through many of the comments and underlies certain proposals to broadly expand the scope of former Chapter 14 rather than, as directed by the NOPR, address the provisions of the former Chapter 14 of the Code “as it was in effect prior to its sunset”. These proposals range wildly in scope, often requiring significant programming changes. The resultant cost impacts will meaningfully impact the affordability of the broader customer base as customer bills necessarily incorporate the resulting costs. The proposals seek to reject most of the substantive elements of the Annex, and they ask the Commission to adopt dozens of new requirements affecting nearly every subchapter of Chapter 56, many of which

would extend well beyond residential service. EAP does not question the sincerity of the commenters' concerns about the affordability of utility service, and it recognizes the real hardships described in several of the comments. EAP's members share the goal of keeping customers connected. They administer ratepayer-funded universal service programs, including customer assistance programs ("CAPs"), usage reduction programs, and hardship funds for that purpose. However, taken together, the comments ask the Commission to significantly exceed what the NOPR Order proposes. None of these proposals have been subjected to cost analysis, and all of them would place an additional financial burden on the residential customers who pay their bills to support this expansion.

EAP respectfully submits that the Commission should finalize the regulations substantially as proposed and address any broader review of Chapter 56 in a separate proceeding.

II. OVERVIEW

These Reply Comments are organized in three parts. Part III.A addresses four threshold issues that cut across the comments: the Commission's authority to codify the former Chapter 14 provisions; the appropriate scope of this rulemaking; what the data do and do not show about the Chapter 14 framework; and the cost consequences of the commenters' proposals. Part III.B responds to the comments on each provision of the Annex, organized according to the section headings in the NOPR Order as the Commission requested (NOPR Order, p. 12). Part III.C responds to the many proposals that address regulations and subjects outside the Annex.

Every proposal that lengthens repayment terms, expands the circumstances in which the Commission may reset a defaulted payment arrangement, extends the periods during which service may not be terminated, or waives tariffed charges, has a cost. That cost is recovered from the rest of the residential rate base. Many of the customers who bear those costs are working

households just above assistance thresholds, the same “ALICE” households whose circumstances several commenters emphasize (LIA Comments, pp. 8-9). As the General Assembly recognized when it enacted Chapter 14, increasing amounts of unpaid bills threaten paying customers with higher rates (NOPR Order, p. 6). Balancing the protection of vulnerable customers against the interests of customers who pay their bills on time is the core task of this rulemaking, and the Commission’s proposal strikes that balance. Additionally, finalizing the proposed regulations without expanding the scope of this proceeding provides immediate clarity to the Commission’s Administrative Law Judges (ALJs) who – since Chapter 14’s enactment in 2004 – have heard cases, mediated disputes through the alternative dispute resolution process, and issued decisions interpreting Chapter 14, thereby providing fair and prompt resolution of contested proceedings before the Commission.

III. REPLY COMMENTS

A. Threshold Issues

1. The Commission Has Authority to Codify the Former Chapter 14 Provisions, and Doing So Is Consistent with the Intent of the General Assembly

No commenter disputes the Commission’s authority to regulate billing, collections, and termination practices following the expiration of Chapter 14. The Governor’s Office “agrees that the Commission has legal authority” to fill the regulatory gaps left by its expiration (Governor’s Office Comments, p. 1). The Low Income Advocates likewise “concur in the PUC’s conclusion” that the Code provides that authority (LIA Comments, p. 20), and they acknowledge that the expiration of Chapter 14 “restored the PUC’s discretion” to set these standards (LIA Comments, p. 23). The CAC similarly observes that the General Assembly deferred “to the Commission’s expertise on these issues” (CAC Comments, p. 2).

EAP agrees. The necessary consequence of those concessions, however, is that the Commission may exercise its restored discretion to adopt the standards it finds just and reasonable, including standards that previously appeared in statute. That is what the NOPR Order does. The Commission has identified the independent sources of its authority, including Sections 501, 504, 1301, 1304, 1305, and 1501-1504 of the Code (NOPR Order, p. 10), and it has explained why codifying the existing framework will provide a consistent regulatory framework for utilities, consumers, and other stakeholders (NOPR Order, pp. 9-10).

The Low Income Advocates nevertheless argue that codification “expressly subverts the legislative intent” reflected in the sunset clause (LIA Comments, pp. 21-23). A sunset clause ends a statutory mandate. It does not prohibit an agency with independent authority from adopting similar standards through notice-and-comment rulemaking. In the absence of a statutory mandate, the Commission must determine, under its general authority, what standards best serve the public interest. To the extent any commenter believes the fundamental statutory balance should change, the General Assembly remains the appropriate forum for that debate, and EAP would welcome continued engagement with all stakeholders there.

Commenters also argue that the Commission must independently justify each codified provision (LIA Comments, pp. 20, 23), and they rely on prior testimony by Commission leadership recommending that the General Assembly modify certain Chapter 14 payment arrangement provisions (LIA Comments, pp. 28-30, 42-45, 53). The former Chapter 14 standards governed residential collections for twenty years. They were reviewed by the General Assembly when it reauthorized Chapter 14 in 2014, implemented through Commission rulemakings completed in 2011 and 2019 with extensive stakeholder participation, and have continued to

guide the Commission’s decisions under its December 2024 Statement of Policy (NOPR Order, pp. 6-9).

2. The Commission Should Maintain the Narrow Scope of This Rulemaking

The Commission was explicit that “the instant rulemaking is not intended as a general review of Chapter 56 of the Commission’s regulations” and that it is intended to “expeditiously amend the Chapter 56 regulations . . . and provide prompt regulatory certainty in light of the expiration of Chapter 14 of the Code” (NOPR Order, p. 12). Nearly every non-utility commenter nevertheless urges the Commission to use this proceeding to undertake exactly that general review. The breadth of these requests is striking. The OCA alone proposes some sixty-five pages of amendments to more than thirty sections of Chapter 56 that the Annex does not address, including billing frequency, meter reading, electronic billing and payment, the presentation of non-basic charges, account transfers, prepayment meters, deposits, termination notices, personal contact, medical certificates, restoration of service, and public information (OCA Comments, pp. 19-85). The OSBA proposes to extend many of Chapter 56’s residential protections to small commercial businesses (OSBA Comments, pp. 11-38). Other commenters propose new seasonal moratoria, new fee and deposit prohibitions, and new notice, screening, and language access requirements.

The Commission should decline to expand this proceeding, for several reasons. First, the purpose of the NOPR Order is to codify the former Chapter 14 provisions. Proposals to establish a summer moratorium, restructure medical certificate protections, rewrite termination notice procedures, extend Chapter 56 to non-residential customers, and impose new universal service requirements on water and wastewater utilities would substantially enlarge that purpose. The Low Income Advocates suggest using the Advance Notice of Final Rulemaking (“ANFR”)

process (LIA Comments, p. 26). An ANFR would not cure this problem, because it does not supply the notice to the full regulated community that a new proposed rulemaking would provide. The water, wastewater, steam heat, and small gas utilities, as well as non-residential customer classes, were not put on notice that this codification rulemaking might produce such requirements.

Second, the Commission asked jurisdictional utilities to identify, with specific estimates, the costs and savings associated with complying with the proposed regulations (NOPR Order, pp. 12-13). None of the commenters' additional proposals have been subjected to that analysis, and the regulatory analysis for this rulemaking was prepared for a codification of existing requirements. Adopting these proposals without an understanding of their costs, and on whom they would be borne, would be inconsistent with the reasonableness of regulatory requirements.

Third, the Governor's Office suggests that termination procedures are appropriately addressed here because termination "is a subject that was covered by Chapter 14" (Governor's Office Comments, p. 7 n.9). But the Commission has already explained that any Chapter 14 provision not addressed in the Annex is either "duly accounted for in the Commission's existing regulations" or requires no further action (NOPR Order, p. 12).

Fourth, the commenters themselves disagree substantially about what the new requirements should be, which confirms that these issues require a fuller record. For example, the proposed summer moratoria cover a number of different ranges, and some commenters would instead tie protection to temperature thresholds or heat advisories. The proposed income limits range from 250% of the Federal poverty level ("FPL") (Governor's Office Comments, p. 7) to 300% FPL (LIA Comments, p. 72) to no income limit at all for winter or summer protection, respectively (EJL Comments; CCJ Comments). Proposed notice periods before

termination range from the current ten days to twenty days (Governor’s Office Comments, p. 8) to thirty days (PCADV Comments, § IV). Choosing among these alternatives responsibly requires evidence regarding their costs and effects that is not in this record.

Finally, EAP notes that the CAC, which urges the Commission to consider these issues, candidly acknowledges that it “is not suggesting that the Commission is in a position to rule on the issues discussed above without opportunity for comment from all interested parties,” and it proposes that they be considered “as a second phase” (CAC Comments, pp. 2, 11). EAP agrees that these issues cannot responsibly be resolved on this record. If the Commission wishes to examine the broader issues raised by the commenters, the appropriate vehicle is a separate proceeding, such as an advance notice of proposed rulemaking, that frames the issues, invites data from all stakeholders, and allows proposals to be evaluated on their costs and benefits. EAP would participate constructively in such a proceeding. In the meantime, the Commission should promptly finalize the codification it proposed, which would end the period of reliance on an interim Statement of Policy and provide the certainty that was the reason for this rulemaking.

3. The Data Cited by Commenters Do Not Establish That the Chapter 14 Framework Caused Increased Terminations

Many commenters assert that Chapter 14 increased terminations without improving collections (*e.g.*, LIA Comments, pp. 15-20; Governor’s Office Comments, pp. 1-2; CAC Comments, pp. 2-3; Joint Commenters Comments, p. 1). These assertions rest principally on comparisons of termination and payment arrangement statistics from 2004 and 2024 (LIA Comments, pp. 43-44). Such comparisons do not support the causal conclusion drawn from them.

The Low Income Advocates’ own narrative attributes the major increases in customer terminations to factors unrelated to collection rules: the Great Recession in 2008, the price spikes

following the 2014 Polar Vortex, increases in natural gas commodity costs and price volatility in the 2020s, and increases in electricity costs since December 2024 (LIA Comments, pp. 17-19, 44). A twenty-year comparison that spans these events, as well as changes in the number of customers served, energy prices, and program design, cannot isolate the effect of the Chapter 14 framework. Nor can a comparison to 2004 be treated as a baseline of success. The General Assembly enacted Chapter 14 in 2004 precisely because it determined that the Commission's prior rules "had not successfully managed the issue of bill payment" (NOPR Order, p. 6).

Moreover, the commenters' own figures cut against their conclusion. The Low Income Advocates' table shows that low income gas terminations declined by 2% between 2004 and 2024, while average low income gas arrearages increased by only 3% over that twenty-year period (LIA Comments, p. 44). The Low Income Advocates and the Joint Commenters both acknowledge that the gross residential write-off ratio for electric utilities "remained relatively stagnant" after Chapter 14 took effect (LIA Comments, p. 19; Joint Commenters Comments, p. 1 n.1). Stable write-off ratios over two decades in which energy costs rose substantially are at least as consistent with the conclusion that the Chapter 14 framework helped contain the costs shifted to paying customers. Likewise, the decline in the number of payment arrangements may reflect other factors the commenters do not examine, such as the growth of CAPs and arrearage forgiveness components over that period.

The OCA asserts, based on analyses by its witness in recent base rate proceedings, that "the vast majority" of payment arrangements with confirmed low income customers end in default (OCA Comments, p. 10). That evidence was developed in utility-specific proceedings. To the extent it identifies concerns with particular utilities' practices, those concerns have been, and can continue to be, addressed in those utilities' rate and universal service proceedings. It does not

demonstrate that codifying the Commission’s existing framework for Commission-ordered arrangements is unjust or unreasonable.

EAP does not suggest that terminations are a desirable outcome. They are a last resort for utilities, and EAP’s members invest significant resources in outreach, assistance programs, and payment options to avoid them. However, the data offered by the commenters do not demonstrate that the proposed codification is unjust or unreasonable, and they do not justify the broad changes the commenters propose.

4. The Commenters’ Proposals Would Shift Substantial Costs to Other Residential Customers

Several commenters characterize late fees, reconnection fees, and terminations as tools of revenue generation or suggest that utilities “can afford to subsidize people who are struggling” (CCJ Comments). These characterizations misunderstand how utility costs are recovered. Uncollectible expenses, the carrying costs of arrearages, and the costs of universal service programs are recovered through rates paid by other customers. Charges in tariffs such as late payment and reconnection charges are approved by the Commission. When those charges are waived, or when collection is delayed, the resulting costs are borne by the residential class as a whole.

The scale of the proposed changes matters. Many proposals would apply to all households at or below 300% FPL, which for a family of four is approximately \$99,000 in annual income.² The Governor’s Office would go further, proposing that all customers at or below 300% FPL be permitted to earn forgiveness of their arrearages, as CAP participants can

²This figure is derived from the Low Income Advocates’ statement that 150% FPL for a family of four is \$49,500 (LIA Comments, p. 8), which implies a Federal poverty level of \$33,000 and a 300% FPL threshold of approximately \$99,000.

today (Governor's Office Comments, p. 6). That proposal would effectively create a new arrearage forgiveness program for a large share of the residential class, funded by the remaining residential customers. Some commenters would prohibit terminations for newly defined low income customers year-round (CCJ Comments). Proposals of this magnitude require a full evaluation of their effects on the customers who would pay for them.

As an example of the substantial costs involved in implementing these proposals, one EAP member estimates the cost of additional termination notice requirements to be approximately \$1.4 million a year and the cost of expanding protections to either 250% or 300% of the Federal Poverty Level to be approximately \$41 million a year, including annual forgiveness, elimination of reconnection fees, and providing CAP benefits to customers with medical certifications.

B. Responses to Comments on the Annex

The proposals by commenters on each provision of the Annex detailed in this section, which would amend existing provisions of Section 56.22 beyond the Chapter 14 language, are outside the scope of this rulemaking. While EAP endeavors to address all of the proposals in these reply comments, any proposals not referenced should not be presumed to be non-opposition by EAP.

1. Subchapter A: Preliminary Provisions for Utilities and Customers

The OCA does not oppose the Commission's proposed title for Subchapter A (OCA Comments, p. 3). The Low Income Advocates support removing the reference to the former Chapter 14 but propose a shorter title (LIA Comments, pp. 27-28). EAP does not object to either formulation. The Commission's proposed title accurately describes the applicability of Subchapters A-K and maintains a clear distinction from Subchapters L-V (NOPR Order, p. 13).

2. § 56.2. Definitions

The Commission proposes to codify the definitions of “change in income” and “significant change in circumstance” exactly as they appeared in the former Section 1403 of the Code (NOPR Order, pp. 14-15). EAP supports those definitions, and the OCA does not oppose either definition (OCA Comments, p. 3). Other commenters propose to broaden both definitions substantially.

a. Change in Income

The Low Income Advocates would redefine a “change in income” as any decrease or increase in household income of 5% or more, at any income level (LIA Comments, pp. 30-31). The Governor’s Office would lower the thresholds to 5% for households at or below 300% FPL and 10% above that level (Governor’s Office Comments, p. 3). This definition matters because, under proposed Section 56.182(d), a change in income is what permits the Commission to order a second or subsequent arrangement after a customer has defaulted on a Commission-ordered arrangement. A 5% threshold would capture ordinary, routine fluctuations in household income, such as changes in hours, overtime, seasonal work, or annual cost-of-living adjustments.

The proposal to treat an increase in income as a basis for a new Commission-ordered arrangement is difficult to reconcile with the purpose of the provision. A customer whose income has increased is better able to pay and does not need a new Commission-ordered arrangement to resume payments. Proposed Section 56.182(d) already preserves each utility’s discretion to enter into a second or subsequent arrangement with a customer (Annex, p. 5). The tiered 10% and 20% thresholds reflect a judgment the General Assembly made in 2004 and retained in 2014, and the Commission reasonably proposes to keep them.

b. Significant Change in Circumstance

The Low Income Advocates would expand the definition of “significant change in circumstance” to include any change in income, the issuance of a medical certificate, and “any other circumstance to be considered in the Commission’s discretion,” and would remove the requirement that the change be verified by the utility (LIA Comments, pp. 32-33). The Governor’s Office would replace the enumerated events with a general qualitative standard (Governor’s Office Comments, pp. 3-4). The CAC and CEO support broader hardship definitions (CAC Comments, p. 9; CEO Comments). PCADV asks that domestic violence and its economic effects be recognized expressly (PCADV Comments, § II). The OSBA would extend the definition to small commercial businesses (OSBA Comments, pp. 3-4).

EAP opposes these changes. The enumerated events in the Commission’s definition give customers, utilities, and the Commission a clear and predictable standard for when the extension remedy in Section 56.182(e) is available. An open-ended qualitative standard or catch-all would eliminate that predictability. It would invite inconsistent outcomes across similarly situated customers and increase litigation over whether a given hardship qualifies. Adding “change in income” would conflate two distinct standards that serve different functions under Section 56.182(d) and (e). Adding the issuance of a medical certificate would convert a temporary postponement of termination into a basis for resetting a defaulted payment arrangement, whereas medical certificates already provide separate and substantial protection under Sections 56.111 through 56.118.

The verification requirement should also be retained. The arrangement at issue is an arrangement on the utility’s account, and the utility maintains the account records and customer information necessary to confirm the claimed change. With respect to PCADV’s concern, EAP notes that victims of domestic violence who qualify for Subchapters L-V are already subject to

the more flexible, pre-Chapter 14 payment arrangement standards contained in those subchapters (*see* LIA Comments, p. 58). PCADV's concern is therefore more properly directed to the eligibility standard for those subchapters, which EAP addresses in Part III.B.10 below. The OSBA's proposal to extend this residential definition to small commercial businesses is addressed in Part III.C.1.b below.

3. § 56.22. Accrual of Late Payment Charges

EAP supports the Commission's proposal to require waiver of late payment charges that were improperly assessed, as do the OCA and the Low Income Advocates (OCA Comments, p. 4; LIA Comments, p. 34). Several commenters, however, propose to go substantially further.

The OCA proposes to replace the word "only" with "also" in the final sentence of Section 56.22(d) "for clarity" (OCA Comments, p. 4). That change would not be a clarification; it would be an expansion. The existing sentence limits Commission-ordered waivers of late payment charges on delinquent accounts to customers at or below 150% FPL, a limit that the Commission notes is already reflected in its existing regulation (NOPR Order, p. 15 n.2). Replacing "only" with "also" would remove that limit and authorize Commission-ordered waivers for any customer. The waiver of improperly assessed charges, which the Commission proposes to make mandatory for all customers, addresses the concern the OCA identifies.

Some commenters propose to prohibit or require waiver of late payment charges for all customers at or below 300% FPL (LIA Comments, pp. 34-35; Governor's Office Comments, p. 5; Joint Commenters Comments, pp. 3-4; PCADV Comments, § III). Others would prohibit late payment charges for customers on payment arrangements or enrolled in universal service programs (OCA Comments, pp. 41-43), eliminate them for all residential customers (CCJ Comments), or extend Commission-ordered waivers to small commercial businesses (OSBA

Comments, pp. 4-5). The Commission should reject these proposals. Late payment charges are approved by the Commission in tariffs, and waiving them for a broad segment of the residential class would shift costs to other customers. It would also eliminate the incentive for timely payment for customers who have the ability to pay. Extending the waiver to 300% FPL would also require utilities to obtain income information they generally do not collect.

4. § 56.102. Residential Field Visit Charge

The Low Income Advocates and the OCA oppose codifying the residential field visit charge authorized for a city natural gas distribution operation under former Section 1414(b). The OCA would also eliminate all PGW-specific provisions of Chapter 56 (OCA Comments, pp. 4-5, 21-22; LIA Comments, pp. 35-37). EAP defers to its member, Philadelphia Gas Works (“PGW”), on these issues. EAP notes, however, that the provision recognizes the unique structure of a municipally-owned natural gas utility whose costs are borne entirely by its residents. The broader request to eliminate PGW-specific provisions governing deposits, winter terminations, and restoration of service addresses regulations outside the scope of the Annex and should not be considered in this proceeding.

5. § 56.153. Public Utility Duties

EAP does not object to proposed Section 56.153, which codifies the former Section 1410.1 duties to provide information about universal service programs and to refer customers to the utility’s universal service program administrator when they contact the utility to make a payment arrangement. EAP’s members already provide this information and these referrals as a matter of course.

The OCA asks the Commission to also codify the former Section 1410.1(4) duty to report the number of medical certificates and renewals submitted and accepted (OCA Comments, p. 6).

As the Commission explained, that duty is already accounted for in the existing annual reporting requirements of Section 56.231(b) (NOPR Order, p. 17 n.4). Section 56.231(b)(11) and (12) require utilities to report the total number of medical certificates and renewals submitted and accepted. No additional regulatory text is needed.

Several commenters ask the Commission to require utilities to screen customers for universal service eligibility, and some would require screening every customer and applicant at 300% FPL at the time service is established and annually thereafter (LIA Comments, pp. 37-40; Governor's Office Comments, p. 5; Joint Commenters Comments, p. 2; HELP: MLP Comments, p. 6; PCADV Comments, § II). CCJ would convert universal service programs to an "opt-out" system (CCJ Comments). The Commission should not adopt these proposals in this rulemaking. Utilities do not ordinarily collect household income information when establishing service, and customers have no obligation to disclose it. A mandatory annual income screening of every residential account would require extensive changes to customer information systems, add time to millions of customer interactions, and raise significant privacy concerns about the collection and retention of sensitive financial information. Because the 300% threshold is double the income eligibility level generally used for CAPs, the screening would require the collection of income data from large numbers of customers who are not eligible for the programs to which they would be referred. An opt-out enrollment model would raise additional questions about verification of eligibility and customer consent. None of these costs or issues have been evaluated.

The OCA and the Low Income Advocates argue that Section 1303 of the Code, which requires a utility with more than one applicable rate to compute bills "under the rate most advantageous to the patron," requires utilities to identify and enroll eligible customers in CAP

(OCA Comments, p. 11; LIA Comments, p. 39). EAP disagrees. CAPs are universal service programs with income verification, enrollment procedures, and program rules established under Chapters 22 and 28 of the Code and approved in each utility's Universal Service and Energy Conservation Plan ("USECP"). A utility cannot enroll a customer in CAP without that customer's application and verification of eligibility. The OCA cites a recommended decision in a single utility's recent base rate proceeding (OCA Comments, p. 11), as well as the Commission's subsequent resolution of screening and low income designation issues in that case (OCA Comments, p. 24 n.44). Those citations illustrate that screening and enrollment practices are appropriately addressed utility-by-utility, on a developed record, in rate and USECP proceedings. They do not support a statewide mandate adopted without a record in a codification rulemaking.

Finally, the OSBA proposes a new Section 56.153(4) requiring utilities to provide information about their small commercial business payment plans (OSBA Comments, p. 6). Chapter 56 governs residential service, and this proposal is outside its scope. EAP addresses the OSBA's broader proposals in Part III.C.1.b below.

6. § 56.171. General Rule for Formal Complaints

EAP supports the Commission's proposed amendment to Section 56.171 regarding formal complaints that are not requests for review of informal complaint decisions of the Bureau of Consumer Services, which is consistent with the former Section 1410 and with the Commission's formal complaint form (NOPR Order, pp. 18-19). The Low Income Advocates and the OSBA do not oppose it (LIA Comments, p. 40; OSBA Comments, p. 7). The OCA supports the amendment but notes that the requirement to first contact the utility should not apply to formal complaints challenging a proposed base rate increase (OCA Comments, p. 7).

EAP does not object to a clarification that Section 56.171(b) applies to formal complaints concerning matters governed by Chapter 56, since complaints against proposed rate increases are governed by the Commission’s procedural rules and the Code.

7. § 56.181. Duties of Parties; Disputing Party’s Duty to Pay Undisputed Portion of Bills

The OCA does not object to the Commission’s proposed language, and the OSBA offers no comment on it (OCA Comments, p. 8; OSBA Comments, p. 8). The Low Income Advocates do not oppose the Commission’s clarification that a disputing party must pay subsequent bills that are not in dispute, but they propose to strike the phrase “the consumer services representative determines” from Section 56.181(2) and suggest that the customer alone should define the amount in dispute (LIA Comments, pp. 41-42). The Commission should reject this proposal.

The phrase is existing regulatory language that the NOPR Order does not propose to change (Annex, p. 4). More fundamentally, allowing the customer to unilaterally define the disputed amount would permit a customer to withhold payment of an entire bill during the pendency of a formal complaint, which can last many months, simply by characterizing the full amount as disputed. That result would be inconsistent with the former Section 1410, which required payment of the undisputed portion of bills. It would also harm customers themselves by allowing larger balances to accrue while the dispute is resolved.

8. § 56.182. Payment Arrangement Procedures

EAP supports proposed Section 56.182, which codifies the payment arrangement procedures of the former Section 1405(a)-(e). The OSBA supports subsections (c), (d), and (e) (OSBA Comments, p. 9). Most other commenters oppose the framework or seek significant changes to it (*e.g.*, OCA Comments, pp. 8-15; LIA Comments, pp. 42-58; Governor’s Office

Comments, pp. 5-6; CAC Comments, pp. 7-9; Joint Commenters Comments, p. 2; HELP: MLP Comments, pp. 2-5; PCADV Comments, § II; CEO Comments).

The Low Income Advocates' primary recommendation is to strike the limits entirely and leave the length, number, and extension of arrangements to case-by-case discretion (LIA Comments, pp. 42-46). The Governor's Office would allow the Commission to establish subsequent arrangements "whenever reasonable under the customer's circumstances" (Governor's Office Comments, p. 6). These approaches would replace a known standard with no standard at all. They would produce inconsistent outcomes for similarly situated customers. The existing tiers already tie the length of an arrangement to the customer's income, providing the longest terms to the lowest-income customers, who are also eligible for CAP.

a. Length of Payment Arrangements

The Low Income Advocates alternatively propose to lengthen each income tier (to six, four, two, and one years, respectively). They would also require the Commission to further extend any arrangement for customers at or below 300% FPL so that the monthly installment does not exceed 20% of the customer's average monthly bill, up to twice the otherwise applicable term (LIA Comments, pp. 46-48). The Governor's Office and the Joint Commenters support a similar 20% cap, the Governor's Office without any limit on the resulting term (Governor's Office Comments, p. 6; Joint Commenters Comments, p. 2). Under the Low Income Advocates' proposal, a family of four with income of up to approximately \$99,000 could receive a Commission-ordered arrangement of up to four years, compared with one year today. Because the cap is tied to the customer's average bill rather than to the size of the arrearage or the customer's income, it would stretch repayment of large balances over long periods regardless of the customer's actual ability to pay. Longer terms delay recovery of amounts owed, increase the

risk that new arrears will accumulate faster than old arrears are retired, and increase the carrying costs and uncollectible expenses borne by other customers.

The OCA proposes that the income-based timeframes be treated as minimums rather than maximums and that they apply to all payment arrangements, including those offered by utilities (OCA Comments, p. 13). That proposal would invert the structure of the provision. It would also require every utility-issued arrangement to extend at least as long as the maximum Commission-ordered term, eliminating the flexibility utilities use to tailor shorter arrangements to customers who can pay more quickly. The OSBA proposes new tiers of two to five years for small commercial customers (OSBA Comments, pp. 8-9), which is outside the residential scope of Chapter 56. The Commission should retain the proposed tiers.

b. Number and Extension of Payment Arrangements

The OCA would amend Section 56.182(d) to provide that the Commission “shall establish or order a public utility to establish a second or subsequent payment arrangement if a customer has defaulted on a previous payment arrangement” (OCA Comments, p. 12). As written, that language would make a new Commission-ordered arrangement mandatory following every default, without limit. The Low Income Advocates would permit a subsequent arrangement upon “other demonstrated good cause” and extension for “a reasonable period of time” (LIA Comments, pp. 52-53). CEO recommends extending existing arrangements beyond the current six-month hardship extension period (CEO Comments). These proposals would effectively eliminate the limits the provisions are designed to establish, and they would remove any consequence for default. The concern these commenters identify – that some customers may need a second opportunity – is already addressed by the final sentence of proposed Section 56.182(d), which preserves each utility’s discretion to enter into subsequent arrangements. It is

also addressed by Section 56.182(e), which permits reinstatement and extension of an arrangement following a significant change in circumstance.

c. Payment Arrangements and Customer Assistance Programs

EAP supports proposed Section 56.182(c), which requires that CAP rates be timely paid and not be the subject of Commission-ordered payment arrangements. Numerous commenters oppose this provision (OCA Comments, pp. 13-14; LIA Comments, pp. 48-51; Governor's Office Comments, p. 6; CAC Comments, p. 9; Joint Commenters Comments, p. 2; HELP: MLP Comments, pp. 3-4; PCADV Comments, § II).

CAP bills are already designed to be affordable, and CAPs typically include arrearage forgiveness components that retire pre-program arrears over time. These benefits are funded by other residential customers. Layering Commission-ordered payment arrangements on top of CAP benefits would undermine the design of those programs and the incentive for regular payment on which they depend. Many of the commenters' concerns, such as customers who exceed maximum CAP credits, who leave CAP with outstanding balances, or who are billed at full tariff rates while enrolled (LIA Comments, pp. 49-51; HELP: MLP Comments, p. 4), are concerns about CAP design. The Low Income Advocates themselves acknowledge that these issues are appropriately addressed "outside of the context of this NOPR" through changes to universal service plans (LIA Comments, p. 51 n.136). EAP agrees that they belong in USECP proceedings and in the Commission's broader universal service review at Docket No. L-2019-3012600. Nothing in proposed Section 56.182(c) restricts a utility's ability to enter into an arrangement with a CAP customer. The Low Income Advocates also assert that the restriction is "susceptible to legal challenge" (LIA Comments, p. 48). But CAP participants are not similarly situated to

other customers: they receive discounted bills and arrearage forgiveness paid for by other customers who do not receive them.

d. Utility-Issued Payment Arrangements and Related Proposals

Several commenters propose new standards for utility-issued arrangements under Section 56.97, which the Annex does not address. These include a 20% installment cap for households at or below 300% FPL, a minimum arrangement length, and a rule that a customer who falls behind on a non-conforming arrangement is not in default (LIA Comments, pp. 53-55; Joint Commenters Comments, p. 2; CAC Comments, pp. 8-9). The OCA's separate proposals to amend Section 56.97 are addressed in Part III.C.5.d below. These proposals are outside the scope of this rulemaking, would require utilities to obtain income information they do not routinely collect, and would render utility-issued arrangements effectively unenforceable for a large share of residential customers.

Section 56.97(b) already requires utilities to exercise good faith and fair judgment in attempting to enter into a reasonable payment arrangement. It requires them to consider the size of the unpaid balance, the customer's ability to pay, the customer's payment history, and the length of time over which the bill accumulated. It further requires that arrangements for heating customers be based upon budget billing under Section 56.12(8). HELP: MLP's statement that the good-faith obligation was "no longer statutorily required" under Chapter 14 (HELP: MLP Comments, pp. 4-5) overlooks that this obligation has remained in the Commission's regulations throughout; the CAC acknowledges as much (CAC Comments, p. 8). The existing budget-billing requirement also largely addresses the OCA's proposal for a "Budget Payment Arrangement" (OCA Comments, p. 14).

The OCA also proposes to require “informed consent” before a confirmed low-income customer enters into a payment arrangement rather than enrolling in CAP, and to measure the success rates of payment arrangements (OCA Comments, pp. 10-11, 14, 72-73). Proposed Section 56.153 already requires utilities to provide information about universal service programs and to make referrals when customers seek arrangements. Any additional disclosure or reporting requirements should be evaluated, with their costs, in a separate proceeding.

e. Restoration, Reconnection Fees, and Arrearage Forgiveness

Commenters propose to eliminate the provision of Section 56.191 that allows a utility to require full payment before restoring service to a customer who has defaulted on two or more arrangements and propose to prohibit reconnection fees for households at or below 300% FPL (LIA Comments, pp. 55-58; Governor’s Office Comments, p. 4; Joint Commenters Comments, pp. 3-4; CAC Comments, pp. 5-6; PCADV Comments, § III). The OCA separately proposes to prohibit reconnection fees where service is reconnected remotely or restored following receipt of a medical certificate (OCA Comments, pp. 75-78); those proposals are addressed in Parts III.C.7 and III.C.8 below. The Governor’s Office would also prohibit reconnection fees for *all* residential customers from December 1 through March 31 (Governor’s Office Comments, p. 4). And, as noted above, the Governor’s Office would extend arrearage forgiveness to all customers at or below 300% FPL (Governor’s Office Comments, p. 6). These proposals are outside the scope of this rulemaking. They would remove an important tool that encourages customers to honor the arrangements they have made, and they would shift the cost-based reconnection charges approved in each utility’s tariff onto other customers. The arrearage forgiveness proposal in particular would fundamentally change the structure of universal service funding. It should be considered, if at all, in universal service proceedings where its costs can be evaluated.

9. § 56.225. Surcharges for Uncollectible Expenses Prohibited

The OCA and the Low Income Advocates support codifying the prohibition on automatic surcharges for uncollectible expenses formerly found in Section 1408 (OCA Comments, p. 15; LIA Comments, p. 58). EAP reiterates the position stated in its comments. The prohibition was one element of the balance struck in Chapter 14, which paired it with the collection tools the commenters now ask the Commission to weaken or eliminate. To the extent this rulemaking results in significant changes to that balance that would increase future arrearages and uncollectible expenses, the Commission should remove the prohibition to allow utilities appropriate flexibility to recover those costs. The Commission should not simultaneously loosen the standards that limit uncollectible expenses and foreclose the mechanisms that would allow utilities to recover the resulting costs in a timely manner.

10. § 56.251. Statement of Purpose and Policy

EAP supports the Commission's proposal to remove the reference to the former Section 1417 from Section 56.251 regarding applicability to victims under a protection from abuse order, as does the OCA (OCA Comments, pp. 15-16). The Low Income Advocates, the Joint Commenters, and PCADV propose, in addition, to expand the documentation that establishes eligibility for the protections of Subchapters L-V (LIA Comments, pp. 58-61; Joint Commenters Comments, p. 4; PCADV Comments, § I). They would add court records, police reports, certification by a qualified third party such as a domestic violence counselor or advocate, or a self-affirmation, modeled on Act 55 of 2025. EAP recognizes the importance of protections that help survivors of domestic violence establish safe homes. EAP also recognizes PCADV's position that the current standard can require utility personnel to interpret court documents, which is not a role they are well suited to perform (PCADV Comments, § I). To that point, these proposals don't remove the

judgment calls—they expand them without clear standards. Utility staff, Commission staff, and Administrative Law Judges should not be in a position of making determinations without more guidance. EAP does not oppose examining whether the documentation requirements should be modernized, but this proposal is beyond the scope of the NOPR Order, which proposes only to delete an obsolete statutory citation, and it raises implementation questions that warrant careful consideration. A self-affirmation standard without any means of verification is deeply problematic, and the commenters do not address how utilities would administer it or how potential misuse would be prevented.

EAP recommends that these questions be considered in a separate proceeding that includes domestic violence service providers and utilities. PCADV’s related recommendations regarding fees, deposits, notice, and medical certificates (PCADV Comments, §§ III-V) are addressed in Part III.C below.

C. Responses to Proposals Outside the Scope of the Annex

The remaining proposals address regulations and subjects the Annex does not touch. For the reasons explained in Part III.A.2 above, none of these proposals should be adopted in this rulemaking. So that the record reflects EAP’s position on each of them, EAP offers the following responses. They are organized by subject and, where applicable, by the Chapter 56 section the proposal would amend. EAP does not waive its position that these issues should be addressed, if at all, in a separate proceeding with an adequate record.

1. Scope and Applicability of Chapter 56

a. Uniform Application to All Utility Types

The OCA recommends that Chapter 56 apply uniformly to all jurisdictional electric, natural gas, water, wastewater, and steam heat utilities, with any differential treatment

specifically justified. It also recommends that the universal service requirements applicable to energy utilities, including conservation plans, universal service plans, reporting, low income designations, and seasonal protections, be extended to water and wastewater utilities (OCA Comments, pp. 20-21; *see also* LIA Comments, p. 77; CAC Comments, p. 5). EAP does not represent water, wastewater, or steam heat utilities and defers to them on these proposals. EAP notes, however, that the existing differences in Chapter 56's treatment of different utility types reflect differences in the statutory frameworks governing those industries. For example, the universal service obligations of EDCs and NGDCs arise under the Electricity Generation Customer Choice and Competition Act and the Natural Gas Choice and Competition Act respectively. Extending those obligations to other industries raises questions of statutory authority and cost that cannot be resolved in this proceeding.

b. Extension of Chapter 56 to Small Commercial Customers

The OSBA proposes to extend a wide range of Chapter 56 provisions to small commercial businesses with 250 or fewer employees. These include the statement of purpose in Section 56.1; the definitions of applicant, basic services, customer, medical certificate, occupant, and premises, and a new definition of "small commercial business consumer" (OSBA Comments, pp. 13-18); billing frequency and electronic billing (pp. 18-19); remote meter reading and budget billing (pp. 19-21); application of partial payments (pp. 21-22); third-party guarantors (pp. 22-23); amortization of outstanding balances (pp. 23-24); deferred termination and post-termination notice (pp. 24-26); winter and summer termination protections, including enhanced protections for businesses providing essential goods and services (pp. 26-27); reporting of deaths at premises where service was terminated (pp. 27-28); medical certificates (pp. 28-29); public information (pp. 29-31); and monthly, annual, and account-level reporting (pp. 31-38). The

OSBA also proposes changes to the Annex provisions to include small businesses (OSBA Comments, pp. 3-9), which are addressed in Part III.B above.

EAP recognizes the importance of small businesses to Pennsylvania’s economy, and EAP’s members work with commercial customers experiencing financial difficulty. But Chapter 56 establishes “Standards and Billing Practices for Residential Public Utility Service.” Its protections were developed for households and are premised on the residential character of the service, as the definitions of “customer,” “occupant,” and “premises” reflect. Extending them to non-residential customers would be a fundamental change in the scope of the chapter. It would affect customer classes that have not received notice of this rulemaking. It would also raise distinct questions that the OSBA’s comments do not address, including the size of commercial arrearages, the recovery of associated costs from other customers, and the interaction with existing non-residential tariff provisions governing deposits, credit, and termination. Some of the OSBA’s proposals, such as budget billing and third-party guarantors, may already be available to commercial customers under individual utility tariffs. Others, such as seasonal termination moratoria and medical certificate protections for commercial premises, would be without precedent in Pennsylvania. The account-level reporting proposal would require substantial new data systems. These proposals should not be considered in this proceeding. EAP does not object to the OSBA’s ministerial correction of “insure” to “ensure” in Section 56.1 (OSBA Comments, p. 13).

c. Provisions Specific to Philadelphia Gas Works

The OCA and the Low Income Advocates would eliminate all provisions of Chapter 56 specific to a city natural gas distribution operation, including provisions governing deposits, winter terminations, and restoration of service (OCA Comments, pp. 21-22; LIA Comments, p.

37). As discussed in Part III.B.4, EAP defers to PGW on these proposals, which address provisions outside the Annex.

2. Low Income Designations, Income Thresholds, and Universal Service Program Design

The OCA proposes a standardized definition of a “confirmed low-income” or “identified low-income” customer, applicable to all utilities, that would be established by information such as receipt of LIHEAP, participation in a public benefit program, or self-certification. The OCA would provide that such a designation does not require verification of household size or income. It would also consolidate all low income protections, including deposit and late fee exemptions, payment arrangement tiers, and winter protections, under that single designation, and require utilities to inquire about low income status at application and upon changes of service address (OCA Comments, pp. 22-25). The OCA further supports excluding the earned and unearned income of minors from household income (OCA Comments, p. 18). The Low Income Advocates would apply a 300% FPL threshold across all Chapter 56 protections (LIA Comments, pp. 84-85). The Governor’s Office would extend arrearage forgiveness to all customers at or below 300% FPL (Governor’s Office Comments, p. 6). HELP: MLP proposes a “medical CAP” for medically vulnerable households with incomes moderately above the CAP limit (HELP: MLP Comments, p. 7). EJP suggests new protections for households with young children, elderly residents, individuals with disabilities, and military personnel (EJP Comments). CCJ proposes converting universal service programs to opt-out enrollment (CCJ Comments).

Each of these proposals involves the design, eligibility standards, and funding of universal service programs, which are established under the Competition Acts and evaluated in each utility’s USECP proceeding and in the Commission’s universal service review. The OCA’s proposal would be especially consequential. A designation based on self-certification, without

verification of household size or income, would govern eligibility for payment arrangement terms, fee and deposit exemptions, and seasonal termination protections, all of which shift costs to other customers. Utilities' ability to administer these protections fairly depends on reasonably reliable information about eligibility. Changes to the treatment of minors' income would similarly affect eligibility across programs. EAP recommends that these proposals be considered, if at all, in the context of universal service proceedings, where the benefits and costs of each program can be evaluated together.

3. Billing and Payment Standards (Subchapter B)

a. § 56.11. Billing Frequency and Electronic Billing

The OCA proposes several amendments to Section 56.11 (OCA Comments, pp. 25-30). OCA would tie the billing period to the presentation of rate components; require utilities to retain evidence of customer consent to electronic billing for four years; require a good-faith effort to contact a customer by more than one method before termination when a bill or termination notice is returned as undeliverable; and require utilities to maintain accurate email addresses and automatically revert customers to paper bills when email is rejected. The OSBA would extend billing frequency requirements to small commercial customers and prohibit fees to receive or pay electronic bills (OSBA Comments, pp. 18-19).

EAP's members share the goal of ensuring that customers receive their bills and notices. Many already follow up on returned mail and rejected emails, and many already retain records of electronic billing enrollment. However, codifying specific procedures, retention periods, and multi-channel contact requirements would require system changes whose costs have not been estimated, and could create new grounds for disputing otherwise valid terminations. The OCA's reliance on federal Medicaid enrollment rules and on *Jones v. Flowers*, 547 U.S. 220 (2006),

which addressed the due process obligations of a government taking property through a tax sale (OCA Comments, pp. 28-29), does not establish that the same procedures are required or appropriate for utility billing. The Commission's existing notice regulations already establish multiple layers of notice before termination.

b. § 56.12. Meter Reading, Estimated Billing, and Budget Billing

The OCA proposes to require utilities with automatic meter reading to bill monthly on actual readings absent malfunction; to allow customers to report readings electronically; to require customer consent to any fee for an in-person reading that verifies an automatic meter reading; to extend budget billing to water and wastewater utilities; and to require budget billing to be offered without twelve months of history at the customer's address, based on the prior usage of previous customers at the same address (OCA Comments, pp. 30-34). The CAC, citing the Vice Chair's statement, supports prohibiting in-person meter reading fees (CAC Comments, pp. 5-6). The OSBA would extend remote reading and budget billing provisions to small commercial customers (OSBA Comments, pp. 19-21).

EAP's members with advanced metering already bill on actual readings in the ordinary course, and many accept customer readings electronically. Fees for in-person meter readings are tariffed charges approved by the Commission, generally in connection with customers' choices regarding metering technology. Prohibiting them, or conditioning them on case-by-case consent, would shift those costs to customers who do not request the service. With respect to budget billing, EAP does not oppose in principle making budget billing available to new customers based on premises history where that information is available and reliable, but the operational implications vary by utility and should be evaluated in a separate proceeding.

c. § 56.13. Billing for Non-Basic Services

The OCA proposes to require that charges for non-basic services appear on a distinctly separate portion or page of the bill, labeled “Non-Basic Services,” with the total amount due to avoid termination separately identified (OCA Comments, pp. 34-35). The Commission’s regulations already distinguish basic from non-basic charges, prohibit termination for nonpayment of non-basic charges, and require that partial payments be applied first to basic charges (*see* 52 Pa. Code §§ 56.23, 56.83). Bill format requirements for EDCs and NGDCs are also governed by Sections 54.4 and 62.74. Mandating a bill redesign would impose significant programming and printing costs and should be considered, if at all, in a proceeding addressing bill format.

d. § 56.15. Billing Information

The OCA proposes to apply Section 56.15 to flat-rate as well as metered service, to specify that the due date relates to basic service, and to require a link to a plain language presentation of approved rates on the utility’s website (OCA Comments, pp. 35-36). The Low Income Advocates and the CAC would also require plain language bills (LIA Comments, pp. 83-84; CAC Comments, pp. 10-11). EAP does not object in principle to utilities making plain language rate information available on their websites, and many already do, but bill content requirements should be considered together with the existing bill format regulations, because bill space is limited and each additional required message competes with information customers already receive.

e. § 56.16. Transfer of Accounts

The OCA proposes to permit a shorter notice period for discontinuance where a utility has automatic meter reading. It also proposes to require utilities to “condition” rather than

“deny” service at a new location when a customer transfers service after a termination notice and after denying access to the premises, and to require utilities to inform customers of their dispute rights (OCA Comments, pp. 36-38). EAP does not object in principle to allowing shorter discontinuance notice where metering technology makes it practical. EAP opposes eliminating the ability to deny a service transfer in the circumstances described in Section 56.16(c)(1), which apply only when the customer has already received the required termination notices and has prevented termination by denying access to the premises. Removing that provision would allow customers to avoid termination simply by moving. The dispute procedures are already described in required notices.

f. § 56.17. Prepayment Meters

The OCA proposes to repeal the provisions of Section 56.17 permitting prepayment metering for non-low income customers or, alternatively, to prohibit fees for purchasing credits (OCA Comments, pp. 38-40). The existing provisions permit prepayment metering only for non-low income customers who voluntarily agree to it, subject to a Commission-reviewed program plan and evaluation. A voluntary option subject to these safeguards should not be eliminated without a record demonstrating harm under Pennsylvania’s program requirements.

g. §§ 56.21, 56.24, and 56.25. Payment, Application of Partial Payments, and Electronic Payment

The OCA proposes to treat electronic payments as made on the date submitted on the utility’s website and to prohibit fees for any payment method offered on the utility’s website or any electronic payment option (OCA Comments, pp. 40-41, 43-44). It also proposes that partial payments be applied first to prior basic service (OCA Comments, p. 43). The OSBA would prohibit electronic billing and payment fees for small commercial customers (OSBA Comments, p. 19). Payment processing fees, where charged, generally reflect costs imposed by third-party

processors for card and similar transactions. If those costs are not recovered from the customers who choose those methods, they are recovered from all customers, including those who pay by other means. Several utilities have addressed these fees in their rate proceedings, which is the appropriate forum for weighing the costs and benefits for each utility. The OCA's proposed change to Section 56.24 is unnecessary, because Section 56.23 already requires payments to be applied first to basic charges absent customer instructions.

h. § 56.22. Late Payment Charges

The OCA's proposal to prohibit late payment charges on payment arrangements and for universal service program participants (OCA Comments, pp. 41-43), and other commenters' proposals to prohibit or waive late payment charges, are addressed in Part III.B.3 above.

4. Credit, Deposits, and Applicant Identification (Subchapter C)

a. Security Deposits (§§ 56.32, 56.36, 56.41, 56.42, and 56.53)

The OCA proposes to repeal the applicant deposit provisions of Section 56.32 (OCA Comments, pp. 44-47) and the provisions of Section 56.41 that allow a deposit to be required from an existing customer who has been delinquent on two consecutive bills or three bills within twelve months, or who has failed to comply with a payment arrangement (OCA Comments, pp. 52-54). It would make a conforming repeal of Section 56.42(d) (OCA Comments, pp. 54-55). It would amend Section 56.36 to require utilities to state in their written procedures that applicants confirmed eligible for CAP will not be required to pay a deposit, to post those procedures conspicuously on their websites, and to affirmatively explain the qualifications for a deposit exemption to every applicant and customer (OCA Comments, pp. 49-51). It would also amend Section 56.53 to establish an "adequate" rather than a "timely" payment history as the basis for refunding a deposit, so that a customer who pays in full for twelve consecutive months receives a

refund even if payments were late, and to require that deposits refunded to low income customers be paid directly rather than credited to the account absent informed consent (OCA Comments, pp. 55-57; *see also* OCA Comments, p. 46 (proposed § 56.32(e))).

Other commenters would allow customers at or below 300% FPL to connect without a deposit (Governor's Office Comments, p. 5), eliminate deposits entirely or limit them to households above 300% FPL (Joint Commenters Comments, p. 3), limit or waive deposits for customers at or below 300% FPL (PCADV Comments, § III), or reform deposit requirements generally (CAC Comments, p. 5). The OSBA would extend the third-party guarantor provisions of Section 56.33 and the amortization provisions of Section 56.35(b)(3) to small commercial customers (OSBA Comments, pp. 22-24).

Deposits are an established tool under the Commission's regulations for protecting customers who pay their bills from the costs of nonpayment by applicants and customers who present a demonstrated credit risk. The existing rules are already carefully limited. Applicant deposits under Section 56.32(a) may be required only from applicants whose prior service was terminated for specified reasons or who cannot establish credit under a Commission-approved credit scoring methodology, and they are limited to one-sixth of the estimated annual bill payable over ninety days. Existing customer deposits under Section 56.41 are available only after a documented pattern of delinquency, following advance written notice, and are payable in installments under Section 56.42. Section 56.41(4) already prohibits cash deposits for customers confirmed eligible for CAP based on household income. Repealing these provisions would remove deposit protection precisely where the risk of nonpayment is greatest, and the resulting uncollectible expenses would be recovered from other customers.

The OCA asserts that no utility has produced information showing that deposits accelerate payment or reduce bad debt (OCA Comments, p. 53). However, a deposit's principal function is to secure payment of a final bill when service ends, which reduces the amount written off and recovered from other customers. The OCA's proposal to base refunds on payment in full rather than on-time payment (OCA Comments, pp. 55-56) would change the meaning of an established payment history. With respect to the form of refunds to low income customers, the OCA notes that the Commission has already addressed this issue in at least one utility's universal service plan proceeding (OCA Comments, p. 57 & n.70). That illustrates that such questions can be, and are being, addressed in USECP proceedings. EAP does not object in principle to utilities making their credit and deposit procedures available on their websites. These proposals are outside the scope of this rulemaking.

b. Applicant Identification and Social Security Numbers (§ 56.32(c))

The OCA proposes to limit the identification requirements of Section 56.32(c) to the applicant, rather than all adult occupants, and to prohibit utilities from retaining Social Security numbers once identity is confirmed (OCA Comments, pp. 45-48). The OCA would further require utilities to delete Social Security numbers within thirty days after an applicant becomes a customer and bar utilities from sharing them with any non-utility entity, including credit reporting agencies (OCA Comments, p. 48).

EAP's members take the protection of customer information seriously. The OCA's proposal would have significant consequences for a utility's collections framework. Section 56.32(a) permits utilities to assess an applicant's creditworthiness through a Commission-approved credit scoring methodology, and Sections 56.35 and 56.191 permit utilities to establish an applicant's prior residence at a property through, among other things, a commercially

available consumer credit reporting service. These tools depend on the ability to identify individuals accurately, which is why Social Security numbers may be requested. Prohibiting their use with credit reporting services would effectively eliminate credit scoring and impair utilities' ability to identify applicants who seek to avoid prior balances. Existing Section 56.32(c) already provides that a utility may ask for, but may not require, a Social Security number and must protect the confidentiality of identification information. Identification of adult occupants is likewise relevant to their liability under the existing regulations. These proposals should be considered, if at all, in a separate proceeding that examines their effect on credit, fraud prevention, and collections.

c. Outstanding Balances and Timing of Service (§§ 56.35 and 56.37)

The OCA proposes to amend Section 56.35 to condition a utility's ability to require payment of a prior balance on proper billing based on the utility's records (OCA Comments, pp. 48-49). It also proposes to amend Section 56.37 to require utilities with the ability to initiate service remotely to do so within twenty-four hours of accepting an application (OCA Comments, pp. 51-52). Utilities already bear the burden of supporting prior balances with their records when an applicant disputes them, and the existing dispute procedures of Subchapter F apply. A uniform twenty-four-hour requirement would not account for the variation in utilities' metering deployment, systems, and workforce, including for service at premises that require a field visit notwithstanding remote capability. EAP does not object to utilities connecting service promptly where remote capability permits, but a new regulatory deadline should be considered only in a separate proceeding addressing those operational differences.

5. Termination of Service (Subchapter E)

a. § 56.81. Authorized Termination of Service

The OCA proposes to amend Section 56.81 to permit termination for nonpayment only when the undisputed delinquent balance exceeds \$100, and to define a “material” term of a payment arrangement, noncompliance with which is grounds for termination, as nonpayment of a bill for more than ninety days (OCA Comments, pp. 57-59). These proposals would substantially delay collection action. A customer could fall behind on a payment arrangement for three months before any termination notice could issue, by which time the arrearage, and the difficulty of resolving it, would be considerably larger. A minimum balance threshold would similarly allow balances to accumulate before collection begins, and the appropriate threshold, if any, would vary with the size of typical bills for each type of service. These proposals should not be adopted in this rulemaking.

b. § 56.91. Termination Notice Period and Contents

The OCA proposes several changes to Section 56.91 (OCA Comments, pp. 59-65). It would require utilities to “ensure that the customer has been provided” written notice rather than to “provide” it. It would prohibit a utility from making a practice of delivering more than two consecutive termination notices without taking the collection action identified in the notice, modeled on an Illinois rule. It would also require notices to state the maximum reconnection fee that may apply and to provide a toll-free number, and it would add information regarding the timing of reconnection where a utility has remote metering. The OCA also notes an asserted inconsistency between the notice provisions describing adult occupant liability (OCA Comments, pp. 64-65).

Other commenters would lengthen the notice period from ten days to twenty days and require notice by both first-class mail and email for customers enrolled in electronic notifications (Governor’s Office Comments, p. 8), or to at least thirty days with expanded content (PCADV Comments, § IV). The Low Income Advocates and the CAC would reconcile termination notices with LIHEAP crisis eligibility (LIA Comments, p. 78; CAC Comments, p. 11).

The OCA’s central concern is that utilities issue more termination notices than they carry out terminations, which the OCA characterizes as a potentially deceptive practice under Section 55.105 (OCA Comments, pp. 62-64). EAP disagrees. The difference between the number of notices and the number of terminations principally reflects that notices work – many customers who receive a ten-day notice pay the balance, enter into a payment arrangement, enroll in an assistance program, obtain a medical certificate, or file a dispute, each of which the notice itself identifies as a way to avoid termination (*see* 52 Pa. Code § 56.91(b)(4)). Others are protected by the winter moratorium or other provisions. A rule limiting consecutive notices would effectively require utilities either to terminate service more often or to stop sending notices that prompt customers to act, neither of which serves customers.

A standard requiring a utility to “ensure” that a customer “has been provided” notice would convert a notice obligation into a guarantee of receipt that no utility can satisfy and would invite disputes over the validity of properly mailed notices. Lengthening the notice period would delay collection action on every delinquent account, allowing balances to grow. Section 56.91 already requires termination notices to state the amount required to avoid termination; to describe the customer’s options, including payment arrangements, universal service programs, disputes, and medical protections; and to include the Commission’s contact information. EAP does not object in principle to a clarification of the adult occupant liability language the OCA

identifies, but that should be addressed with the related liability provisions. With respect to LIHEAP, EAP agrees with the Low Income Advocates that LIHEAP is administered by the Department of Human Services and that the Commission lacks jurisdiction to change program eligibility by regulation (LIA Comments, p. 78). EAP's members participate in LIHEAP and support continued coordination through existing processes.

c. §§ 56.92 through 56.96. Personal Contact, Posting, and Post-Termination Notice

The OCA proposes to require a utility that issues a termination notice in error while a dispute is pending to immediately contact the customer electronically and by telephone to void it (OCA Comments, p. 65). It proposes extensive amendments to Section 56.93 (OCA Comments, pp. 65-68). A telephone attempt would not count if the number is out of service, and an electronic attempt would not count unless the message is "received and read." A utility would have to attempt another method if one is unsuccessful and knock on the door during any home visit. Any declaration by the customer asserting a right to avoid termination would delay termination, and non-English-speaking customers would have to be able to explore their rights in their preferred language. The OCA would also amend Section 56.94 to require a knock at the door immediately before every termination and an inquiry into whether the customer received notice of their rights. It would further require training materials and detailed records of every contact attempt, including the information exchanged and any indications of need for referral to community organizations (OCA Comments, pp. 68-70).

The Low Income Advocates would require actual personal contact at least three days before termination and, if contact is unsuccessful, a posted notice at least 48 hours before termination (LIA Comments, pp. 78-82). The Governor's Office would require a door-hanger notice 72 hours before termination when contact is unsuccessful (Governor's Office Comments,

p. 8). The OSBA would extend the 48-hour posting requirement of Section 56.95 year-round, require telephone calls, text messages, and notice to all addresses on file until the account holder is reached, and extend post-termination notice under Section 56.96 to small commercial premises (OSBA Comments, pp. 24-26).

EAP's members train their field personnel on Chapter 56 requirements and respect the importance of personal contact before termination. These new termination proposals would convert the existing requirement to attempt contact into a requirement to achieve it. An electronic attempt that counts only if the message is "received and read," and a telephone requirement that fails whenever a customer's number is disconnected, would in practice require premises visits before a large share of terminations, at substantial cost to be borne by all customers. It is notable that some of the same commenters oppose any charge to recover the cost of such field visits (LIA Comments, pp. 35-37; OCA Comments, pp. 4-5). Allowing any "declaration" asserting a right to avoid termination to halt termination, without regard to whether the right exists, would invite routine delay. A requirement to continue calling, texting, and sending notices "until the account holder can be reached" (OSBA Comments, p. 24) would effectively allow a customer to prevent termination by not responding. The detailed recordkeeping the OCA proposes would impose new documentation burdens on every field contact. Utilities already correct errors when they are identified, and a notice issued in violation of Section 56.92 is already void by the terms of that section.

d. § 56.97. Procedures Upon Customer Contact Prior to Termination

The OCA proposes to amend Section 56.97 (OCA Comments, pp. 70-73). The amended section would require utilities to explain additional information and to refer customers to universal service programs. It would require written notice of dispute rights whenever a payment

arrangement is not established. It would make customers not currently enrolled in CAP eligible for an arrangement covering arrears incurred while in CAP. It would also require utilities to obtain the written informed consent of a confirmed low income customer before entering into a payment arrangement rather than applying for CAP, and to stay all collection activity for thirty days if the customer expresses interest in applying. Finally, it would require that every customer be offered the option of a payment arrangement combined with budget billing. Proposals by other commenters for new standards for utility-issued arrangements are addressed in Part III.B.8.d above. CEO also recommends that utility payment arrangements account for household composition, including the presence of elderly or disabled members, young children, or serious medical issues, and for the percentage of income devoted to payments (CEO Comments). HELP: MLP and PCADV ask that utilities be required to negotiate in good faith based on customers' present circumstances (HELP: MLP Comments, p. 3; PCADV Comments, § II).

Section 56.97(b) already requires utilities to exercise good faith and fair judgment and to consider the customer's ability to pay, which encompasses the household circumstances CEO, HELP: MLP, and PCADV describe. It also already requires that payment arrangements for heating customers be based upon budget billing. That largely addresses the OCA's proposed budget billing option. Proposed Section 56.153 would require utilities to provide information about universal service programs and make referrals when customers seek arrangements. A requirement to obtain written consent before every arrangement with a confirmed low income customer would add delay and paperwork to what are frequently telephone transactions made to avoid imminent termination. An automatic thirty-day stay of all collection activity whenever a customer expresses interest in CAP could be invoked repeatedly and would delay resolution of the account. The OCA's proposal to permit arrangements covering CAP-accrued arrears is

addressed in Part III.B.8.c above. Prescribing specific formulas based on household composition or percentage of income would require utilities to collect detailed household information and would effectively create a new, uncosted affordability program.

e. § 56.100. Seasonal Termination Protections

Nearly every non-utility commenter supports a summer termination moratorium, and several would expand the existing winter protections (LIA Comments, pp. 72-77; Governor's Office Comments, p. 7; CAC Comments, pp. 4-5; Joint Commenters Comments, p. 3; HELP: MLP Comments, pp. 8-9; PCADV Comments, § VI; EJP Comments; CCJ Comments; CEO Comments; OSBA Comments, pp. 26-27; Joint Ratepayer Comments, p. 1). As discussed in Part III.A.2, these proposals differ widely in their dates, triggers, income limits, and coverage. EJP would add temperature-based protections that apply below 32°F or above 90°F regardless of season (EJP Comments), and the OSBA would add enhanced protections for businesses providing essential goods and services (OSBA Comments, p. 26). CCJ would prohibit terminations for low income customers year-round (CCJ Comments).

EAP shares the concern that customers be protected from dangerous conditions during extreme heat, and many utilities already refrain from termination on days when certain temperature thresholds are exceeded. A summer moratorium would fundamentally alter the collections calendar. Combined with the existing December 1 through March 31 winter period, the Low Income Advocates' proposal would prohibit electric terminations for more than six months of every year for households with incomes up to approximately \$99,000 for a family of four. The longer periods proposed by other commenters would prohibit terminations for as much as nine months of the year. A temperature-based trigger that applies in any season would add further uncertainty to collection schedules and would be difficult to administer across large

service territories with varying conditions. A year-round prohibition would eliminate termination as a collection tool for the customers to whom it applied, and the resulting costs would fall on other customers. Because utilities generally do not know their customers' incomes, the practical reach of any income-based protection would likely be broader than its terms. With terminations effectively limited to brief windows, balances would grow for extended periods before any collection action could occur. Customers would face larger, harder-to-resolve arrearages, and uncollectible expenses borne by other customers would increase.

The 250% FPL threshold for winter protection reflects a judgment the General Assembly made in 2004 and retained in 2014, and the Commission has continued to apply it under its Statement of Policy. Proposals to raise that threshold to 300% FPL (LIA Comments, pp. 76-77) or to eliminate the income requirement altogether (EJL Comments) would substantially expand its reach. Whether any summer protection should be tied to weather conditions or fixed dates, and to which customers it should apply, should be considered in a separate proceeding with a full record on costs and effects.

f. § 56.100(j). Reporting of Incidents at Premises Where Service Was Terminated

The OSBA would extend the requirement to report deaths at premises where service had been terminated to small commercial premises (OSBA Comments, pp. 27-28). This proposal is part of the OSBA's broader proposal to extend Chapter 56 to non-residential service, which is addressed in Part III.C.1.b above.

6. Language Access, Plain Language, and Customer Service

The Governor's Office would require termination notices in English and Spanish, with a sentence in each of the five most common other languages in the service territory and a link to the full notice in those languages (Governor's Office Comments, p. 8). The Low Income

Advocates would require that termination notices indicate their urgency in the five most commonly spoken languages (LIA Comments, pp. 82-83). PCADV supports meaningful language access for notices and medical certificate information (PCADV Comments, §§ IV-V). The OSBA would require every utility to provide billing information in English and Spanish regardless of the number of Spanish-speaking customers it serves (OSBA Comments, pp. 30-31), and the OCA supports expanded language access for all customer notices (OCA Comments, p. 18). The Low Income Advocates, the CAC, and PCADV would convert the Commission's plain language guidelines into binding requirements (LIA Comments, pp. 83-84; CAC Comments, pp. 10-11; PCADV Comments, § V).

EAP supports clear communication with customers and the objectives of the Commission's plain language guidelines. EAP's members serve diverse communities and provide translation and interpretation services. Multilingual notice requirements would impose new translation, printing, and system costs that have not been estimated, and the most common languages vary across and within service territories and change over time. Converting guidelines into a binding and undefined standard could create uncertainty about the validity of otherwise compliant notices and invite disputes over whether a particular notice is sufficiently "plain."

The CAC also recommends new parameters for utility call centers. These include an immediate option to bypass automated systems, a requirement that payment arrangement and termination calls be handled by live representatives during business hours, disclosures about automated payment arrangements, call-back options, and a review of call center performance standards (CAC Comments, pp. 9-10). HELP: MLP and the Joint Ratepayer Comments describe difficulties customers experience in reaching utility representatives (HELP: MLP Comments, p. 2; Joint Ratepayer Comments, p. 1). EAP's members are committed to providing responsive

customer service and already report call center performance to the Commission. Automated systems allow customers to make arrangements at any hour without waiting on hold, and restricting their use would increase call volumes and costs. Call center standards are not addressed in Chapter 14 or the Annex and should be considered, if at all, in a separate proceeding.

7. Medical Certificates and Emergency Provisions (§§ 56.111-56.118)

Commenters propose a range of changes to the medical certificate provisions:

- Expanding signatories to medical certificates to: (i) nurses (LIA Comments, pp. 67-69; Governor’s Office Comments, p. 7; Joint Commenters Comments, p. 3; HELP: MLP Comments, pp. 6-8); (ii) any “licensed health care provider,” including home healthcare providers and any other type of provider the Commission determines (OCA Comments, pp. 73-74); (iii) licensed psychologists, psychiatrists, clinical social workers, and other licensed providers (PCADV Comments, § V).
- Extending the certificate period from 30 days to 90 days, or 180 days for chronic or long-term conditions (LIA Comments, pp. 69-70; Governor’s Office Comments, p. 7; CAC Comments, p. 7; Joint Commenters Comments, p. 3; HELP: MLP Comments, p. 7; PCADV Comments, § V).
- Restoring a seven-day postponement of termination pending receipt of a certificate (LIA Comments, p. 70; Governor’s Office Comments, p. 7; CAC Comments, p. 6; Joint Commenters Comments, p. 3).
- Prohibiting utilities from limiting the number of certificates a licensed provider may issue (Governor’s Office Comments, p. 7).
- Allowing extensions for customers who are relocating or changing providers, accepting certificates through multiple methods including submission by advocates, and providing an opportunity to correct errors before termination (PCADV Comments, § V). The OCA would permit electronic communications from providers, allow utilities to post optional certificate forms on their websites, and reference those forms in notices (OCA Comments, pp. 74-75).
- Prohibiting any fee for restoration of service following receipt of a medical certificate and requiring restoration within twenty-four hours (OCA Comments, pp. 75-76).
- Adding payment arrangements to the payment obligations a customer must meet under Section 56.116 (OCA Comments, pp. 76-77). Other commenters would require utilities to explain payment obligations during and after the certificate period and to offer payment arrangements to certificate holders regardless of payment history (LIA Comments, pp. 70-72; Governor’s Office Comments, p. 8; CAC Comments, p. 7; HELP: MLP Comments, p. 7).

- Requiring a renewed attempt at personal contact under Sections 56.93 and 56.94 before terminating service when a certificate expires (OCA Comments, p. 77).
- Extending medical certificate protections to small commercial premises (OSBA Comments, pp. 15-16, 28-29).

EAP's members take their obligations to medically vulnerable customers seriously, and the circumstances described by HELP: MLP and PCADV illustrate why the medical certificate protections matter. The medical certificate process already provides meaningful protection. Under Section 56.111, the determination of whether a medical condition qualifies rests "entirely with" the certifying professional, and a utility may not impose any other qualification standards. Because utilities may not question a certificate, the qualifications of those authorized to issue one are an essential safeguard. The Low Income Advocates acknowledge that registered nurses do not have diagnostic authority (LIA Comments, p. 68). The OCA's proposal would go further, extending signing authority to home healthcare providers, a category that may include unlicensed aides, and to any other provider the Commission later designates. EAP disagrees with extending signing authority in these ways and prohibiting any limit on the number of certificates an individual provider may issue.

Extending certificates to 90 or 180 days at the sole discretion of the certifying professional would allow arrears to grow over much longer periods, making them more difficult for the household to resolve when the protection ends. Medical certificate protection is intended to be temporary, and renewals are already available under Section 56.114. As to the three-day postponement in Section 56.112, commenters acknowledge that it reflects the 2014 amendments that accompanied the reauthorization of Chapter 14 (LIA Comments, p. 70; CAC Comments, p. 6). The existing regulations already permit certificates to be transmitted electronically and recognize electronic signatures (52 Pa. Code § 56.113), which addresses much of the OCA's and PCADV's concern about submission methods and facilitates timely submission within the

existing period. EAP does not object in principle to utilities making an optional certificate form available on their websites.

Reconnection within twenty-four hours upon receipt of a valid medical certificate is already required by Section 56.191(b)(1)(i). Prohibiting a reconnection fee in these circumstances would shift the cost of reconnection to other customers, and the appropriate treatment of that fee is a matter for each utility's tariff. Section 56.117 already requires compliance with Sections 56.93 through 56.96 when a certificate expires. EAP does not object in principle to ensuring that customers protected by medical certificates understand their continuing obligation to pay current bills, and many members already provide this information. Requiring utilities to offer payment arrangements to certificate holders regardless of payment history would convert a temporary health-and-safety protection into a long-term shield against collection. A new "medical CAP" is a universal service program design question that belongs in USECP proceedings. The OSBA's proposal to extend medical certificate protections to commercial premises is part of its broader proposal addressed in Part III.C.1.b above.

8. Restoration of Service and Reconnection Fees (§ 56.191)

Proposals to eliminate the two-default provision of Section 56.191 and to prohibit or limit reconnection fees based on income or season are addressed in Part III.B.8.e above. The OCA proposes three further changes to Section 56.191 (OCA Comments, pp. 77-82). First, it would prohibit any reconnection fee when a utility reconnects service remotely. Second, it would broaden the existing definition of a "life event" under Section 56.191(c)(2)(ii), which allows customers above 300% FPL up to three months to pay the balance required for reconnection. The OCA would shorten the nine-month periods for job loss and serious illness and add incapacitation of the primary wage earner. Third, it would require utilities to provide an applicant

or customer with the evidence used to establish prior residence at a property, so that the individual can dispute it.

The Governor's Office similarly argues that remote reconnection makes reconnection fees less necessary (Governor's Office Comments, p. 4). Where remote reconnection reduces a utility's costs, that reduction can be reflected in the tariffed reconnection charge in the utility's next rate proceeding. Remote reconnection capability does not eliminate the costs of the termination and reconnection process, including the collection activity and customer contacts that precede it and the systems that make remote operation possible, and it does not justify eliminating the charge altogether. The OCA's proposed changes to the life event definition raise the same concerns regarding predictability and administrability as the proposals to broaden the definition of "significant change in circumstance," addressed in Part III.B.2.b above. EAP does not object in principle to informing applicants of the basis for a determination that they are responsible for a prior balance, and customers may already dispute such determinations under Subchapter F. A mandatory disclosure requirement, however, should be considered together with the credit reporting issues discussed in Part III.C.4.b above.

9. Public Information, Exceptions, Tariffs, and Reporting (§§ 56.201, 56.222, 56.223, and 56.231)

The OCA proposes to amend Section 56.201 to require that the Commission's summaries of rights and responsibilities be mailed to all customers rather than those affected by a change, be available for download on utility websites, and be provided on request in the customer's native or preferred language (OCA Comments, pp. 82-83). The OSBA would require the summaries to be posted on utilities' websites and social media and would require every utility to provide Spanish-language billing information regardless of the number of Spanish-speaking customers it serves (OSBA Comments, pp. 29-31). EAP does not object in principle to making the summaries

available on utility websites, and many members already do so. Mailing every summary to every customer, regardless of whether the customer is affected, and providing translations into any language a customer requests, would impose printing, postage, and translation costs whose benefits have not been evaluated. Language access is addressed further in Part III.C.6 above.

The OCA proposes to amend Section 56.222 to require any person or utility applying for a modification of, or temporary exemption from, a Chapter 56 provision to notify affected persons, including the statutory advocates (OCA Comments, pp. 83-84). It also proposes to amend Section 56.223 to impose a duty on utilities to regularly review and revise their tariffs to comply with Chapter 56 (OCA Comments, p. 84). Applications under Section 56.222 are already subject to the Commission's procedural rules, and the statutory advocates routinely participate in such proceedings. Section 56.223 already provides that inconsistent tariff provisions are nonoperative and superseded by Chapter 56, and utilities already revise their tariffs through compliance filings and rate proceedings when regulations change. EAP does not believe additional regulatory text is needed, and these changes are outside the scope of this rulemaking.

The OSBA would extend the monthly, annual, and account-level reporting requirements of Section 56.231 to small commercial customers, including new data on payment arrangement outcomes (OSBA Comments, pp. 31-38). The OCA recommends measuring the success rates of payment arrangements (OCA Comments, pp. 14, 18). New reporting obligations would require data systems and administrative resources whose costs have not been estimated, and should be considered, if at all, in a separate proceeding in which their purpose and cost can be evaluated.

10. Individual Customer Comments

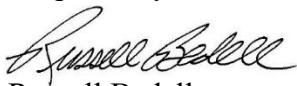
The individual customers who signed the Joint Ratepayer Comments urge the Commission to improve access to affordable payment arrangements, prohibit terminations in the

hottest and coldest months, and expand protections for vulnerable households (Joint Ratepayer Comments, p. 1). EAP appreciates these customers' participation and recognizes the real financial pressures they describe. Their recommendations are addressed in the corresponding sections above. EAP also notes that the costs of changes to a utility's collections framework would ultimately be borne by customers like the signatories themselves.

IV. CONCLUSION

EAP appreciates the opportunity to submit these Reply Comments. The Commission's proposal to codify the provisions of the former Chapter 14 is lawful, consistent with the Commission's authority as the commenters themselves acknowledge, and responsive to the need for prompt regulatory certainty. The commenters' recommendations would substantially expand the scope of this rulemaking and alter a framework that has provided predictable and evenhanded standards for over twenty years. They would also shift new and unquantified costs onto paying residential customers – those individuals that the former Chapter 14 was enacted to protect. EAP respectfully requests that the Commission finalize the proposed regulations substantially as set forth in the Annex and decline to adopt the commenters' proposed amendments. Any broader review of Chapter 56 should be addressed in a separate proceeding, in which EAP would participate constructively.

Respectfully submitted,



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