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House of Representatives
Commonwealth of Pennsylvania
Harrisburg

L-2025-3058767
COMMITTEES

CONSUMER PROTECTION,
TECHNOLOGY & UTILITIES,
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OCT 8 2026 AM 10:43

October 5, 2026

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

RE: Proposed Regulation No. 57-348 (IRRC #3487)
Docket No: L-2025-3058767

Secretary Homsher,

The Pennsylvania Public Utility Commission lacks the foundational legal authority to proceed with this Proposed Rulemaking. The Commission's attempt to amend Chapter 56 to modify or replace regulations derived from Chapter 14 of the Public Utility Code relies on an enabling statute that expired at the end of 2024. Administrative agencies possess only those powers expressly granted or necessarily implied by the General Assembly. Because the underlying sunset provision of the specific enabling statute has taken effect without legislative renewal, the Commission is attempting to exercise regulatory power where none exists.

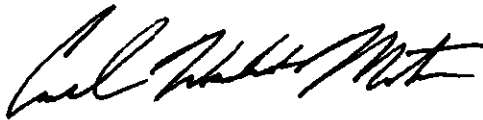
Under Pennsylvania law, an administrative agency cannot bypass the legislature to preserve, codify, or alter provisions of an expired statute through independent administrative rulemaking. The statutory provisions governing utility service terminations, payment agreements, and collections under Chapter 14 were enacted with explicit sunset dates. The expiration of this underlying statute terminated the specific framework and regulatory powers granted to the Commission under that chapter.

The decision of the General Assembly not to reenact or extend the underlying statute must be interpreted as a deliberate legislative choice. In statutory construction and administrative law, legislative inaction in the face of a statutory sunset deadline is a clear signal that the legislature intended for the statutory framework, and the specific authority derived from it, to lapse.

By initiating this rulemaking, the Commission is attempting to administratively construct a regulatory proxy for expired statutory mandates. Whether well intended or not, this type of ultra vires regulation is an affront to the fundamental doctrine of separation of powers. This rulemaking impermissibly arrogates legislative authority to the Commission.

The Commission cannot rely on general supervisory authority under the Public Utility Code to resurrect or reformulate terms tied to an expired, specific statutory scheme. The failure of the legislature to reenact Chapter 14 leaves this proposed rulemaking without a valid enabling statute. Because it lacks authority, the Commission should immediately terminate this rulemaking by withdrawing the Notice of Proposed Rulemaking and should defer to the General Assembly for explicit legislative direction.

Respectfully,



Rep. Carl Walker Metzgar
Chairman CPTU Committee
House Republican Caucus
69th Legislative District

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cc: David Sumner, IRRRC
Darryl Lawrence, Esq., OCA



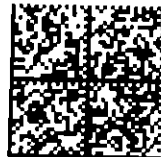
House of Representatives

COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

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