

RULES AND REGULATIONS

Title 52—PUBLIC UTILITIES

[52 PA. CODE CH. 57]

Corrective Amendment to 52 Pa. Code § 57.35

The Pennsylvania Public Utility Commission has discovered a discrepancy between the agency text of 52 Pa. Code § 57.35 (relating to sales to qualifying facilities), as deposited with the Legislative Reference Bureau, and the official text published at 25 Pa.B. 6085, 6101 (December 30, 1995) and as currently appearing in the *Pennsylvania Code*. Subsection (f) should not have been printed.

Therefore, under 45 Pa.C.S. § 901: The Pennsylvania Public Utility Commission has deposited with the Legislative Reference Bureau a corrective amendment to 52 Pa. Code § 57.35. The corrective amendment to 52 Pa. Code § 57.35 is effective as of December 30, 1995, the date the defective official text was printed in the *Pennsylvania Bulletin*.

The correct version of 52 Pa. Code § 57.35 appears in Annex A.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 57. ELECTRIC SERVICE

Subchapter C. PURCHASE AND SALE OF ENERGY AND CAPACITY

§ 57.35. Sales to qualifying facilities.

(a) Each electric utility shall establish and maintain rates, rules and regulations within its tariff for the provisions of the following services to qualifying facilities:

- (1) Supplementary power.
- (2) Back-up power.
- (3) Maintenance power.

(b) A utility's rate for sales of supplementary power to qualifying facilities shall recover the same costs that the utility is permitted to recover from another utility customer of the same customer class and with the same usage characteristics.

(c) A utility's rate for sales of back-up power to qualifying facilities may not be based upon an assumption that forced outages or other reductions in electric output by qualifying facilities on an electric utility's system will occur simultaneously or during the system peak, or both, unless supported by factual data. The utility's rate for back-up power shall recover energy costs incurred by the utility plus an appropriate portion of fixed costs. Fixed costs shall be prorated over the actual days in a billing period during which back-up power is consumed by the qualifying facility.

(d) A utility's rate for sales of firm maintenance power to qualifying facilities shall include energy costs and a demand or capacity charge required to recover the appropriate transmission plant and full distribution plant costs. When the scheduled outages of a qualifying facility cannot be scheduled during other than utility peak periods, the demand or capacity charge shall be the full charge stated in the utility's filed tariff under which the qualifying facility receives this service.

(e) When appropriate, a utility shall provide supplementary back-up and maintenance power on both a firm and interruptible basis.

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