

# PROPOSED RULEMAKING

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 101]

[L-00040166]

### Public Utility Security Planning and Readiness

Under 66 Pa.C.S. § 703(g) (relating to fixing hearings), the Pennsylvania Public Utility Commission (Commission) provides notice and the opportunity to be heard regarding the addition of one more section to proposed Chapter 101 (relating to public utility preparedness through self certification). See 34 Pa.B. 3138 (June 19, 2004).

The Commission intends to add § 101.7 (relating to applicability) to the rulemaking.

Chapter 101 does not apply to an entity regulated by the Federal Railroad Safety Act (FRSA) (49 U.S.C.A. §§ 20101—20153) and the Hazardous Materials Transportation Act (HMTA) (49 U.S.C.A. §§ 5101—5127), if within 60 days following the effective date of Chapter 101, the entity submits a certification to the Commission

indicating that it has its own written physical and cyber security, emergency response and business continuity plans in place and is in compliance with the requirements of the FRSA and HMTA.

Also, in light of the new provisions in 66 Pa.C.S. Chapter 30 (relating to alternative form of regulation of telecommunications services), the Commission tentatively finds that the benefits of the Self Certification Form substantially outweigh the attendant expense and administrative time and effort required to prepare it. See 66 Pa.C.S. §§ 3015(f)(1) and 3019(b) (relating to alternative forms of regulation; and additional powers and duties).

The due date for comments addressing the added language has been extended to February 11, 2005. Please provide an electronic copy to contact person Kimberly A. Joyce at [kjoyce@state.pa.us](mailto:kjoyce@state.pa.us).

JAMES J. MCNULTY,  
*Secretary*

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