

# PROPOSED RULEMAKING

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

[ 52 PA. CODE CH. 56 ]

[ L-2015-2508421 ]

### Standards and Billing Practices for Residential Public Utility Service

The Pennsylvania Public Utility Commission (Commission), on July 21, 2016, adopted a proposed rulemaking order to amend Chapter 56 (relating to standards and billing practices for residential public utility service) to comply with the amended provisions of 66 Pa.C.S. Chapter 14 (relating to responsible utility customer protection).

#### *Executive Summary*

Act 155 of 2014 reauthorized and amended Chapter 14 of the Public Utility Code (66 Pa.C.S. §§ 1401–1419), Responsible Utility Customer Protection. The Act is intended to protect responsible bill paying customers from rate increases attributable to the uncollectible accounts of customers by providing public utilities with the collection mechanisms and procedures to promote timelier collections, while protecting vulnerable customers by ensuring that utility service remains available to all customers on reasonable terms and conditions. The legislation is applicable to electric distribution utilities, water distribution utilities, natural gas distribution utilities, steam heat utilities, and wastewater utilities. Chapter 56 of the *Pennsylvania Code* at 52 Pa. Code §§ 56.1 et seq. (relating to standards and billing practices for residential utility service) must be revised because amended Chapter 14 supersedes a number of Chapter 56 regulations, and the Commission is directed to revise Chapter 56 and promulgate regulations to administer and enforce Chapter 14. Pursuant to the authority of Sections 501, 1301, 1501, and 1509 of the Public Utility Code, the Commission is amending its existing regulations in Chapter 56 of the *Pennsylvania Code*.

Public Meeting held  
July 21, 2016

*Commissioners Present:* Gladys M. Brown, Chairperson; Andrew G. Place, Vice Chairperson; John F. Coleman, Jr.; Robert F. Powelson; David W. Sweet, absent

*Rulemaking to Amend the Provisions of 52 Pa. Code, Chapter 56 to Comply with the Amended Provisions of 66 Pa.C.S. Chapter 14; Doc. No. L-2015-2508421*

#### Notice of Proposed Rulemaking Order

*By the Commission:*

On October 22, 2014, Governor Corbett signed into law HB 939, or Act 155 of 2014. This law became effective on December 22, 2014. The Act reauthorized and amended Chapter 14 of the Public Utility Code (66 Pa.C.S. §§ 1401–1419) (Responsible Utility Customer Protection). The Act is intended to protect responsible bill paying customers from rate increases attributable to the uncollectible accounts of customers by providing public utilities with the collection mechanisms and procedures to promote timelier collections, while protecting vulnerable customers by ensuring that utility service remains available to all customers on reasonable terms and conditions. The legislation is applicable to electric distribution utili-

ties, water distribution utilities, natural gas distribution utilities, steam heat utilities, and wastewater utilities.

Chapter 56 of the *Pennsylvania Code* at 52 Pa. Code §§ 56.1–56.461 (relating to the standards and billing practices for residential utility service) must be revised because the amended Chapter 14 supersedes a number of Chapter 56 regulations, and the Commission is directed to revise Chapter 56 and promulgate regulations to administer and enforce Chapter 14. Five years after the effective date and every five years thereafter, the Commission also must report to the General Assembly regarding the implementation and effectiveness of the amended Act. Chapter 14 expires on December 31, 2024, unless reenacted.

As the initial step of the implementation process, on December 10, 2014, the Commission issued a Secretarial Letter alerting all affected utilities to some of the more significant provisions of Chapter 56 that have been superseded by Act 155.<sup>1</sup> On that same day, the Commission issued another Secretarial Letter directed to steam heat, wastewater, and natural gas distribution utilities reminding them that Act 155 now makes Chapter 14 applicable to all of these entities.<sup>2</sup>

Secondly in the implementation process, the Commission, in a January 15, 2015 Tentative Order, proposed to start addressing the more urgent implementation matters. See Tentative Order, Chapter 14 Implementation, Docket Number M-2014-2448824 (Order entered January 15, 2015) (Tentative Order). The comments from this Tentative Order assisted us with drafting these regulations.

In reviewing Act 155, the Commission identified in the Tentative Order the following two issues as being the most need of immediate attention:

- Section 1403, Definition of Medical Certificate: The Commission is approving the “form” that a medical certificate must take.
- Section 1410.1(3) and (4): Utility reporting requirements concerning accounts with arrearages in excess of \$10,000.00 and annual reporting of medical certificate usage.

Sixteen interested parties submitted comments in response to the Tentative Order: Aqua Pennsylvania (Aqua); the Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania (CAUSE); Columbia Gas of PA (Columbia); the Consumer Advisory Council (CAC); the Disability Rights Network of Pennsylvania, MidPenn Legal Services, Neighborhood Legal Services Association and the Pennsylvania Health Law Project (collectively DRN); Duquesne Light (Duquesne); Energy Association of Pennsylvania (EAP); Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company (FirstEnergy); MidPenn Legal Services—Lancaster County (MidPenn); National Fuel Gas Distribution Corporation (NFGDC); the Office of Consumer Advocate (OCA); PECO Energy Company (PECO); the Philadelphia Gas Works (PGW); Peoples Natural Gas (Peoples); PPL Electric Utilities Corporation (PPL); and the Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia (collectively TURN).

<sup>1</sup> See Secretarial Letter re: Act 155 of 2014 Implementation, Docket No. M-2014-2448824 (December 10, 2014); and 52 Pa. Code Chapter 56.

<sup>2</sup> See Secretarial Letter re: Act 155 of 2014 Applicability and Implementation, Docket No. M-2014-2448824 (December 10, 2014).

On July 9, 2015, the Commission issued Final Order, Chapter 14 Implementation, Docket No. M-2014-2448824 (Order entered July 9, 2015) (Implementation Order). In the Implementation Order, the Commission issued guidance as to the form and content of a medical certificate. Additionally, we summarized our guidelines for 66 Pa.C.S. § 1410.1(3) (relating to public utility duties) regarding reporting requirements for accounts exceeding \$10,000 in arrearages. We further summarized our guidelines for Section 1410.1(4) (relating to public utility duties) regarding reporting requirements for medical certificates. We ask that the parties comment further on these guidelines and the proposed amendments reflecting them in Chapter 56 at Annex A, 52 Pa. Code §§ 56.2, 56.252, 56.113, 56.353, 56.231, and 56.461.

At this point in our implementation process, we have addressed numerous issues involving the application of the amended Chapter 14 provisions. However, we must still address the remaining amended Chapter 14 provisions, including amending the definitions of applicant, customer, and public utility, and clarifying 90-day deposit payment period, revised credit methodology, and the expanded protection from abuse orders (PFAs) to include other court orders. With this Order, we propose revised Chapter 56 provisions to incorporate these amended statutory provisions into our regulations.

Upon consideration of the amended Chapter 14 and all of the comments received to date, we propose adoption of the regulations set forth in Annex A. This action continues the process of revising our Chapter 56 regulations. As provided for under law at 71 P.S. § 745.5, the Commission now seeks comments on the proposed regulations. Persons submitting comments are requested to provide supporting justification for requested revisions and to propose suggested regulatory language for incorporation into the final-form regulations.

Additionally, we are seeking comments from parties relating to the protection from abuse (PFA) subchapters L—V and the language in the amended 66 Pa.C.S. § 1417, “or a court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence against the applicant or customer.” Commentators should include suggested language relating to these other court orders.

We are also seeking comments from parties on material that should be included in the Commission’s privacy guidelines. Amended Chapter 14 referenced the Commission’s privacy guidelines at 66 Pa.C.S. § 1406(b)(1)(ii)(D) (relating to notice of termination of service) that emails, text messages or other electronic messaging must be consistent with the Commission’s privacy guidelines.

Commentators should also include in their comments a specific estimate of the costs and/or savings associated with compliance with these proposed changes, including any legal, accounting, or consulting procedures which may be required and explain how the dollar estimates were derived.

In addition to the changes to make Chapter 56 consistent with the amended Chapter 14, we also are proposing changes to align with other recent regulatory changes such as those in Chapter 57 (relating to electric service) intended to accelerate the switching of electric generation service (52 Pa. Code §§ 57.1—57.259). We also propose some minor revisions to Section 56.100(i) to clarify what is expected of the February winter survey update. Additionally, we are proposing a change to clarify that the burden of proof remains with the party who filed the

informal complaint at Sections 56.173 and 56.403. Finally, we propose some minor revisions to the collections reporting data dictionary in the Appendix C to Chapter 56 to help alleviate some confusion and to make the Chapter 56 reporting requirements more consistent with those found in Chapters 54 and 62 (relating to electricity generation customer choice and natural gas supply customer choice) (52 Pa. Code §§ 54.75 and 62.5). For a summary of all changes and additions to Chapter 56, see Attachment One to this Order.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 6, 2017, the Commission submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Consumer Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Commission, the General Assembly and the Governor of comments, recommendations or objections raised.

#### *Order*

Accordingly, under sections 501, 504, and 1401—1418 of the Public Utility Code (66 Pa.C.S. §§ 501—504 and 1401—1418); sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732.204(b)); section 5 of the Regulatory Review Act (71 P.S. § 745.5); and section 612 of The Administrative Code of 1929 (71 P.S. § 232), and the regulations promulgated thereunder at 4 Pa. Code §§ 7.231—7.234, we are considering adopting the proposed regulations set forth in Annex A; *Therefore,*

#### *It Is Ordered That:*

1. A proposed rulemaking be opened to consider the regulations set forth in Annex A.
2. The Law Bureau shall submit this Order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor’s Budget Office for review for fiscal impact.
3. The Law Bureau shall submit this Order and Annex A for review and comment to the Independent Regulatory Review Commission and Legislative Standing Committees.
4. The Law Bureau shall deposit this Order, Attachment One and Annex A, with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
5. Interested parties may submit written comments, within 60 days from the date the notice is published in the *Pennsylvania Bulletin*, to Rosemary Chiavetta, Secretary of the Pennsylvania Public Utility Commission, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265. The comments should refer-

ence the docket number of the proposed rulemaking. All comments shall be posted on the Commission website.

6. The Secretary shall serve this Order upon all jurisdictional electric utilities, natural gas utilities, steam, water, and wastewater utilities, electric generation suppliers, natural gas suppliers, the Office of Consumer Advocate, the Office of Small Business Advocate, and all parties that submitted comments at this Docket. The Order, Attachments and Annex A shall be posted and made available electronically on the Commission's website. Additionally, the Order, with Attachment and Annex A will be published by the *Pennsylvania Bulletin*, and a copy of each may also be obtained by calling the Secretary's Bureau at (717) 772-7777 or the Law Bureau at (717) 787-5000.

7. The contact persons for this matter are Daniel Mumford in the Office of Competitive Market Oversight, (717) 783-1957, Matthew Hrivnak in the Bureau of Consumer Services, (717) 783-1678, and Patricia T. Wiedt in the Law Bureau, (717) 787-5000.

ROSEMARY CHIAVETTA,  
*Secretary*

**Fiscal Note:** 57-315. No fiscal impact; (8) recommends adoption.

### Attachment One

#### § 56.1. *Statement of purpose and policy.*

We are revising this section to expand the applicability of subchapters B—K to wastewater, steam heat and small natural gas companies, in order to align with the revised definition of public utility at 66 Pa.C.S. § 1403 (relating to definitions). Additionally, to align with revised 66 Pa.C.S. § 1417 (relating to nonapplicability), we are also revising this section to clarify that subchapters L—V now apply to not only all customers who have been granted protection from abuse orders but also to customers with a court order providing clear evidence of domestic violence against the applicant or customer and issued by a court of competent jurisdiction in this Commonwealth.

#### § 56.2. *Definitions.*

We are revising the definitions of applicant, customer, and public utility to reflect the revised Chapter 14 definition at 66 Pa.C.S. § 1403. We also are adding the definitions of creditworthiness and medical certificate to this Section because they now appear in the revised 66 Pa.C.S. § 1403. We are changing the definition of payment agreement to payment arrangement to reflect the change in terminology in Chapter 14. We are changing this term throughout subchapters B—K wherever the term payment agreement was used. We are adding the definitions of small natural gas distribution utility, steam heat utility and wastewater utility to this section to reflect that these entities are now covered by subchapters B—K (see above concerning Section 56.1, Statement of purpose and policy). Because these entities are now all considered public utilities by Chapter 14 and are no longer treated distinctly, we have changed the term “utility” to “public utility” throughout the chapter. We also are adding a definition of physician assistant since Chapter 14 now permits the filing of medical certificates by physician assistants. Accordingly, we think it is important that this term be defined. This definition is based upon 49 Pa. Code § 18.151(b) (relating to the role of physician assistant).

We propose revising the definition of billing month to allow short-period bills in instances where a customer's change of commodity supplier necessitates the issuance of

a short-period bill in order to effectuate a timely switch of supplier. Recent regulatory changes intended to accelerate the switching of electric generation service now make it possible to switch commodity service in as little as three business days. See 52 Pa. Code §§ 57.173, 57.174 and 57.180 (relating to customer contacts the EGS to request a change in electric supply service; time frame requirement; and implementation). Some utilities, as part of the switching process, will issue a short-period bill to conclude the customer's connection with his or her current supplier, so that billing with the new supplier can start within the three business day timeframe. The Commission has already issued temporary waivers of the current Section 56.1 definition of billing month to facilitate this process,<sup>3</sup> and we believe it is necessary to codify this change in billing procedures to eliminate the need for repeated waivers in the future.

#### § 56.12. *Meter reading; estimated billing; customer readings.*

We propose adding a new paragraph (6)—Verification of automatic meter reading to incorporate the new requirement at Section 1411 of the Public Utility Code (relating to automatic meter readings) that utilities verify meter readings at the request of the customer.

#### § 56.32. *Security and cash deposits.*

We propose to revise subsection (a) and to add a new subsection (d) to align with the new deposit payment timeframes provided for in Section 1404(a) (related to cash deposits and household information requirements). Additionally, we propose revising subsection (a)(2) to note that creditworthiness standards must be provided in a Commission-approved tariff, per Section 1404(a)(2). We propose a new subsection (e) to align with the new Section 1404(a.1) prohibition on customer assistance program (CAP)-eligible customers and applicants paying deposits.

#### § 56.36. *Written procedures.*

We propose revising subsection (b) to include incorporation into the utility's written credit procedures the above-noted deposit exception for CAP-eligible applicants, per Section 1404(a.1). We also propose including in the procedures the availability of alternative credit standards, pursuant to Section 1417, for applicants with a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence, in addition to the those applicants who have been granted protection from abuse orders. We likewise propose revising paragraph (b)(1) to include a requirement that utilities provide this information to applicants in writing when credit is denied.

#### § 56.38. *Payment period for deposits by applicants.*

We propose revising subsection (a) to align with the new deposit payment timeframes provided for in Section 1404(a) that an applicant has up to 90 days to pay the deposit.

#### § 56.41. *General rule.*

We propose adding a new paragraph (4) to align with the new Section 1404(a.1) prohibition on CAP-eligible customers and applicants paying deposits.

#### § 56.42. *Payment period for deposits by customers.*

We are revising subsection (d) to align with the new 90 day deposit payment timeframes provided for in Section 1404(a).

<sup>3</sup> See Petition of PECO Energy Company for Temporary Waiver of Regulations Related to the Required Days In a Billing Period, Docket P-2014-2446292 (Public Meeting December 4, 2014).

§ 56.53. *Deposit hold period and refund.*

We are eliminating the 24-month deposit retention limit in subsection (a) to align with the same elimination in Section 1404(c)(1).

§ 56.57. *Interest rate.*

The mechanism for determining the interest rate applied to security deposits is being changed to align with the change at Section 1404(c)(6).

§ 56.82. *Timing of Termination.*

Section 1406(d) now only allows a utility to terminate service (for the grounds found at 1406(a) (relating to authorized termination)) Monday through Thursday. We propose revising § 56.82 to align with this new restriction.

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

We are revising the information directed to customers on written 10-day termination notices in paragraph (b)(11) to include notice to customers that, pursuant to Section 1417, the special protections available for victims under a protection from abuse order are now also available to those customers with a court order providing clear evidence of domestic violence and issued by a court of competent jurisdiction in this Commonwealth.

§ 56.93. *Personal contact.*

We are revising this section to provide for the optional use of electronic messaging for providing three-day personal notice of termination, per Section 1406(b). We invite comment on the privacy protections and customer consent practices that should be required in the context of electronic messaging. See 66 Pa.C.S. § 1406(b)(1)(ii)(C) and (D).

§ 56.94. *Procedures immediately prior to termination.*

We are revising paragraph (3), addressing procedures for handling dishonored payments in the context of the termination process, to align with Section 1406(h) (relating to termination of utility service) that termination of service may proceed if a customer tenders payment electronically that is subsequently dishonored, revoked, canceled or is otherwise not authorized and which has not been cured or otherwise made full payment within three business days of the utility's notice to the customer.

§ 56.97. *Procedures upon customer or occupant contact prior to termination.*

We are revising paragraph (a)(3) to require utilities to provide universal service program information to consumers upon contact from a consumer during the termination process pursuant to Section 1410.1(1) and (2) (relating to public utility duties).

§ 56.100. *Winter termination procedures.*

We are revising subsection (i) to clarify that the February update of the survey of households without heating service in the winter is to include households terminated in December. Commission staff and utilities have encountered questions about this requirement because the current language is unclear on this point. By failing to include any December terminations, the survey result reported by utilities on February 1 is not a complete picture of the households without utility service in the winter. This proposed revision is intended to correct that possible problem.

§ 56.111. *General provision.*

The revised Chapter 14 now includes a definition of medical certificate at Section 1403, so we propose to remove the definitional information from Section 56.111 and place it in the definitions at Section 56.2. We also refer to physician assistant in addition to physician and nurse practitioner in order to align with the new definition at Section 1403.

§ 56.113. *Medical certifications.*

The Commission, in a January 15, 2015 Tentative Order, proposed to start addressing the more urgent Chapter 14 implementation matters. See Tentative Order, Chapter 14 Implementation, Docket Number M-2014-2448824 (Order entered January 15, 2015) (Tentative Order). In this Tentative Order, the Commission identified the Section 1403 definition of Medical Certificate and the "form" that a medical certificate must take as an urgent priority and asked parties to submit comments. Upon careful review of the comments filed by sixteen participating parties, on July 9, 2015, the Commission issued Chapter 14 Implementation Final Order, Docket No. M-2014-2448824 (Order entered July 9, 2015) (Implementation Order). In the Implementation Order, the Commission issued guidance as to the form and content of a medical certificate, and directed that this guidance will remain applicable until this matter can be more fully addressed in a Chapter 56 rulemaking.

To summarize the guidance the Commission provided in the Implementation Order as to the form a medical certificate shall take in accordance with Section 1403:

1. A written letter or note is permissible as long as it includes the required content.
2. Utilities may develop a form and encourage its use—but its use cannot be mandatory.
3. Utilities that develop such a form are encouraged to make these readily available to medical professionals and customers, including placement on the utility's website.
4. Electronic signatures are valid.
5. Medical certificates that are electronically transmitted (i.e. faxed, emailed, etc.) are valid.

To summarize our guidance as to the content of medical certificates, superseding the regulation at 52 Pa. Code § 56.113(1)—(5):

1. All certifications must be written. The initial oral medical certification with a 7-day window to verify in writing is no longer valid.
2. The name and address of the customer or applicant in whose name the account is registered.
3. The name and address of the afflicted person and relationship to the customer or applicant.
4. The anticipated length of the affliction.
5. The name, office address, and telephone number of the certifying physician, nurse practitioner, or physician assistant.
6. The signature of the certifying physician, nurse practitioner, or physician assistant.

As we explained in the Implementation Order, we do not read the Section 1403 definition of medical certificate to literally mean "a form." The word "form" in this section is used more in the sense of "manner" as in "a manner approved by the Commission." Utilities are free to develop a standard "form" and can encourage its use, its use

cannot be mandatory. We encouraged utilities to make any such form readily available, including ideally placing such form on each utility's website. In this rulemaking order, we propose that if the utility has a medical certificate form that they are required to place this form on the utility's website. Some parties in this proceeding suggested that a collaborative develop a single, statewide standard form—an idea that we agreed may have merit but should await the promulgation of the Chapter 56 medical certification regulations.

Also concerning the form of the medical certificate, the Commission declared that, in adding the definition of medical certificate to Chapter 14, the General Assembly gave clear and unambiguous direction on two key aspects of medical certificates: (1) that they must be written documents; and (2) that they must be signed. Accordingly, the Section 56.113 allowance of verbal medical certificates is legally incompatible with this new definition. Allowing the status quo regarding verbal medical certificates to continue would subvert the intent of the legislature's inclusion of the "written" and "signed" requirements. All medical certifications must be written.<sup>4</sup> Therefore, the initial oral certification with a 7-day window to verify in writing is no longer valid. 52 Pa. Code § 56.113 (relating to medical certifications). We also noted that this interpretation does not change the current regulation at 52 Pa. Code § 56.112 which provides for a three-day postponement of termination pending receipt of a medical certificate.

As for the contents of a medical certificate at Section 56.113, several parties identified a major concern—specifically the requirements in Section 56.113(3) and (4) which require the medical certificate to include the "nature and anticipated length of the affliction" and the "specific reason for which the service is required." Some parties pointed out that this requires the medical professional to divulge information about the patient's medical condition to the utility—contrary to the privacy and confidentiality of personal medical information that patients have come to expect. The Commission agreed that the "nature" of the affliction found at 52 Pa. Code § 56.113(3) and the specific reason for which service is required found at 52 Pa. Code § 56.113(4) were no longer appropriate nor are they needed. Accordingly, we propose eliminating the "nature" of the affliction and "the specific reason for which service is required" as part of this regulation. However, we do not see the "length of the affliction" at 52 Pa. Code § 56.113(3) in this same subsection as being contrary to patient expectations of privacy; in fact, the utility needs to know this information so as to determine the duration of the medical certificate. See 52 Pa. Code § 56.114. Some parties have suggested that the medical professional's license number be included as a required element on a medical certificate. We invite parties to comment on this possibility.

We also invite parties to comment on any other medical certificate issues they think need to be addressed. For example, some parties have previously asked the Commission to clarify or revise the payment obligations of customers while protected by a medical certificate. See 52 Pa. Code § 56.116. Some parties have asked that the obligation to pay include not only current bills, but also payment towards the arrears. We ask parties that comment on this issue to include an analysis of the ability of the Commission to order payment arrangements be negotiated in these situations in the context of the restrictions

<sup>4</sup> Electronically transmitted (i.e., faxed, emailed, etc.) medical certificates are considered "written," and thus meet the new requirements of Section 1403. See also 73 P.S. § 2260.303.

upon the Commission found in Section 1405. See 66 Pa.C.S. § 1405 (relating to payment arrangements).

§ 56.163. *Commission informal complaint procedure.*

We propose adding language to paragraph (1) to permit an informal complainant to receive a copy of the documents the utility provides Commission staff in response to an informal complaint. The opportunity to review this information is intended to protect the complainant's due process rights. We acknowledge that there may be some relatively rare instances where these documents may refer to parties other than the complainant. In these instances, the utility is directed to redact any information that may compromise the privacy or personal security of a third party.

§ 56.173. *Review from informal complaint decisions of the Bureau of Consumer Services.*

We propose revising this language to clarify that the burden of proof remains with the party who filed the informal complaint. This language simply makes this provision consistent with existing Commission practices.

§ 56.191. *Payment and timing.*

We are revising paragraph (c)(1) to ensure that the information notifying customers of the special protections that may be available for victims under a protection from abuse order may also now be available to those customers with a court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence, pursuant to Section 1417. See 66 Pa.C.S. § 1417 (relating to nonapplicability).

We are also adding subsection (f) to address procedures for handling dishonored payments tendered by a customer to reconnect service, per Section 1407(c)(3).

§ 56.201. *Public information.*

We are revising paragraph (b)(13) to ensure that the information directed to customers concerning the special protections that may be available for victims under a protection from abuse order may now also be available to those customers with a court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence under Section 1417. See 66 Pa.C.S. § 1417 (relating to nonapplicability).

§ 56.231. *Reporting requirements.*

We propose adding a new requirement at paragraph (a)(13) that requires the utility to report on its usage of electronic formats since Section 1406(b)(1)(ii)(C) now permits utilities to provide 3-day notice of termination by this method in addition to the current reporting of notices by telephone and in person.

We are adding subsections (b)(11), (b)(12), and (c) to incorporate the new reporting requirement at Section 1410.1(3) and (4) involving the annual reporting of accounts exceeding \$10,000 in arrears and the number of medical certificates used by consumers. 66 Pa.C.S. § 1410 (relating to public utility duties). In its Tentative Order, the Commission identified the new reporting requirements at Section 1410.1 as a priority and asked parties to submit comments. In its Implementation Order, the Commission issued guidance as to how utilities should comply with these new reporting requirements, and directed that this guidance will remain applicable until this matter can be more fully addressed in a Chapter 56 rulemaking.

Concerning the annual reporting of medical certificate usage, many parties summarized three possible interpretations of Section 1410.1(4)—noting that it could be read as:

1. To require a single number: the number of medical certificates and renewals that have been submitted and accepted.

2. To require four separate numbers, as proposed in the Tentative Order: (1) the number of initial medical certificates submitted; (2) the number of initial medical certificates accepted; (3) the number of renewals submitted; and (4) the number of renewals accepted.

3. To require: (1) the number of medical certificates and renewals that have been submitted; and (2) the number of medical certificates and renewals that have been accepted.

Many parties found that the third of these approaches is reasonable, and the Commission agreed. The Commission opined that the first interpretation, a single number, would not provide enough detail on a utility's role in overseeing medical certificates, and the second interpretation may require too much information, especially given the limitations in utility data-gathering abilities. The Commission stated that expanding this requirement to require further itemization is best left to a rulemaking where this issue can be fully vetted, and we accordingly invite parties to comment on this.

Concerning the annual reporting of accounts with arrears exceeding \$10,000, the Commission noted that this reporting requirement appears to differ significantly from the traditional utility reporting requirements. Most traditional reporting requirements consist of aggregate data (numbers, sums, totals, averages, etc.). However, with the direction to report annually "residential customer accounts which have accumulated \$10,000 or more in arrearages," it appears that the General Assembly envisioned the reporting of specific accounts in lieu of a "number of accounts" or "averages." If this section is interpreted to mean that utilities are expected to submit account specific data, this presents us with another series of questions. Assuming specific customer accounts are to be reported to the Commission, we asked parties to comment upon what information concerning these accounts is needed and appropriate. We noted that the information reported has to be sufficient for the effective monitoring of utility collection practices while at the same time not compromising the customers' privacy, especially in the context of the Commonwealth's Right-to-Know Law.<sup>5</sup> In the Implementation Order, we also noted that, while the statute specifies that this reporting should take place "annually," it is silent as to the precise timing and methodology. We invited comments as to whether the Commission should designate an annual "snapshot" date for these reports or possible alternatives to the "snapshot" approach.

Upon careful review of the comments submitted by the parties, we provided the following guidance concerning the data required to comply with Section 1410.1(3):

A. Utilities shall examine their active (i.e. accounts not final-billed) residential accounts at the conclusion of each calendar year. Any account with an arrearage at or exceeding \$10,000 at the time of this "snapshot" shall be reported to the Commission by April 1 of the following year.

B. Accounts where someone has presented a Protection From Abuse (PFA) order, or a court order which provides

clear evidence of domestic violence, to the utility shall not be included in the reporting regardless of the level of arrearages.

C. Each account reported shall be identified to the Commission with a unique label that the utility can match to the account in question. The same unique identifier for each account shall be used in any subsequent reporting to identify that same account.

D. Customer names, addresses, account numbers, phone numbers, email addresses, Social Security numbers or any other information that could be used to identify the customer shall not be included.

E. The information concerning each of the accounts shall include the following:

1. Unique account identifier;
2. The account balance as of the time of the "snapshot;"
3. The date the account was established;
4. The average monthly bill amount for the previous 12 months;
5. The number of Commission informal or formal complaints;
6. The number of company payment arrangements;
7. The number of times the customer's service was terminated for non-payment.

F. Reporting shall begin, under these interim guidelines, with calendar year 2015—with the first annual report due to the Commission by April 1, 2016.

G. The Commission may request more detailed follow-up information on specific accounts.

H. Reports shall be filed at Docket No. M-2014-2448824, with an electronic copy sent to the Director of the Commission's Bureau of Consumer Services.

I. Reports shall be formatted per a specific electronic spreadsheet format provided by Commission staff. The Commission will provide this electronic format by September 1, 2015.

Implementation Order, page 18.

Customer names, addresses, account numbers, phone numbers, email addresses, Social Security numbers or any other information that could be used to identify the customer shall not be included. "Rate class" is not necessary as a data point because this reporting is applicable only to residential customers, per the definition of "customer" at Section 1403 and the language of Section 1410.1(3), which specifies "residential customer accounts."

We agreed with several utilities that the reporting deadline should be April 1 instead of March 1, so as to align with other annual collections reporting requirements found in 52 Pa. Code §§ 54.75 and 56.231. Most parties agreed that this reporting requirement is intended to collect data on individual accounts—not just aggregate data. We note that if the General Assembly had wanted just general, aggregate data (totals, averages, percentages, etc.) it could easily have asked for such. In fact, it did just that in paragraph (4) in Section 1410.1 where it specifies "number" when discussing the reporting of medical certificates. The lack of the word "number"—as in "number of accounts"—in paragraph (3) concerning the \$10,000 arrearage reporting requirement cannot be ignored.

<sup>5</sup> Pennsylvania Right to Know Law (RTK), 65 P.S. §§ 67.101, et seq. For more information on the PUC's "Right to Know" procedures, see [http://www.puc.pa.gov/filing\\_resources/obtain/file\\_information/right\\_to\\_know\\_policies\\_and\\_procedures.aspx](http://www.puc.pa.gov/filing_resources/obtain/file_information/right_to_know_policies_and_procedures.aspx).

As we did in the Tentative Order, we are proposing a “snapshot” approach, picking December 31 and requiring the reporting of any account at or exceeding the \$10,000 arrearage level as of that date. Almost all parties agreed that the reporting of accounts should be done in a manner to protect the identity and privacy of customers and this is what we have proposed. We propose that the accounts reported should be labeled with a unique identifier known only to the utility which protects the identity of the customer. The unique identifier shall allow the utility and the utility alone to identify the account in case additional information is requested on that account. The unique identifier shall also be used for that same account in any subsequent reporting so that the Commission can determine to what extent the same accounts are appearing on the report year after year. This ability to detect repeated appearances of the same account on subsequent reports is essential in fulfilling the General Assembly’s intent that the Commission closely monitor the effectiveness of utility collection activities.

The parties offered many different opinions on just what type of accounts should be or should not be included in the reporting. We agreed with parties that advised the reporting should only include accounts that are “active” (i.e. not final-billed) at the time of the reporting, because we want to focus this reporting on accounts that are active and can have active collection actions applied. Once an account is final-billed, collection options become more limited.

Several parties pointed out other account types that they think should be excluded from this reporting requirement for various reasons. These included CAP accounts; landlord-ratepayer accounts; bankruptcy related accounts; accounts involving civil litigation; accounts on an amortization or payment agreement; accounts involving theft or unauthorized use; and accounts associated with a PFA. The rationale offered for the possible exemption for most of these is that traditional collection tools are not necessarily available for these types of accounts. However, we note that the reporting requirement at Section 1410.1 makes no mention of the applicability of various collection methods available, and if the General Assembly had intended this reporting requirement to be specifically targeted to accounts subject to specific collection methods or subject to a specific law or regulation, it could have done so. To the contrary, we believe the General Assembly created this reporting requirement to specifically gauge the impact of various collection practices and various regulations and laws.

However, we agree with parties that sought to exempt from the reporting requirement those accounts that involve a customer with a PFA or other court order that provides evidence of domestic violence. Including PFA accounts could intrude on the privacy and security of PFA holders—a key to the security and privacy for any PFA holder is to limit the disclosure of such information to only those that have an important need to know. For the purposes of this reporting requirement, we do not find the grounds for asking for this information and including it in the reporting is sufficient enough to warrant the possible risks to the privacy and security of PFA holders. Accordingly, we propose to exclude these accounts among the accounts reported under the proposed Section 56.231(c).

The parties also offered many suggestions on what data should or should not be included in this report. The total list of possible data points submitted by the parties included the account balance as of the time of the snapshot; the time period over which the arrearage

accrued; the average monthly bill amount; the number of Commission informal or formal complaints; the number of payment arrangements; whether the ratepayer is a landlord ratepayer; the history of universal service program participation and assistance; an indication of whether de facto electric heating is occurring at the premises; the payment history; the customer’s income; the number of medical certificates filed; the number of dishonored payments; bankruptcy; the number of termination notices issued; the number of times the customer was shut off for non-payment; and any indicator of meter access problems.

While the Commission agrees that many of these items are interesting, most are not critical, and we must be mindful of the burdens on utilities to compile this information. Accordingly, we limited the data to the seven points we are proposing in Section 56.231(c). We propose including the date that the account was opened because this will provide us with meaningful data that should give us an idea as to how long the arrearage was building. We also propose the average bill amount for the previous twelve months, as we think this will give us an idea as to the customer’s usage, and more than twelve months is not necessary and could impose unreasonable burdens on the utility. We also agree with several parties that suggested the number of service terminations would be useful; it is an important indicator of the level and intensity of utility collection activity on an account, and we have included this in the proposed regulation. We also agree with the parties that suggested the data include the number of Commission informal and formal complaints filed, for these can impact the collection activities on an account (disputed account balances are usually protected from collection activity while a complaint is pending at the Commission).

Finally, we propose revising Section 56.231 by adding new subsection (d). It is important to note that this is not a new requirement—we are simply consolidating the utility reporting requirement rules in Chapter 56 into one section—Section 56.231. The new subsection (d) can currently be found in Section 56.461, which we propose to eliminate. Consolidation will assist utilities in locating and complying with these requirements.

#### *Subchapters L—V*

##### *§ 56.251. Statement of purpose and policy.*

This section has been revised to expand the applicability of subchapters L—V to now apply not only to all customers who have been granted protection from abuse orders but also to customers with a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence against the applicant or customer, as to align with revised Section 1417. See 66 Pa.C.S. § 1417 (relating to nonapplicability). Additionally, as to align with the revised definition of public utility at Section 1403 (relating to definitions), the applicability of these same subchapters to wastewater, steam heat and small natural gas companies has been removed. The applicable subchapters for these entities will be B through K—the same as other utilities. See Section 56.1, Statement of purpose and policy.

##### *§ 56.252. Definitions.*

The definition of public utility has been revised to reflect the revised Chapter 14 definition at Section 1403. See 66 Pa.C.S. § 1403 (relating to definitions).

A definition of physician assistant has been added since Chapter 14 now permits the filing of medical certificates by physician assistants. Accordingly, we think it is impor-

tant that this term be defined. This definition is based upon 49 Pa. Code § 18.151(b) (relating to the role of physician assistant). This revision provides additional protections to the customers covered by subchapters L—V.

We are adding the definitions of small natural gas distribution utility, steam heat utility and wastewater utility to this section to reflect that these entities are now covered by subchapters B—K (see above concerning Section 56.1, Statement of purpose and policy). Because these entities are now all considered public utilities by Chapter 14 and are no longer treated distinctly, we have changed the term “utility” to “public utility” throughout the chapter.

We propose revising the definition of billing month as to allow short-period bills in instances where a customer’s change of commodity supplier necessitates the issuance of a short-period bill in order to effectuate a timely switch of supplier. Recent regulatory changes intended to accelerate the switching of electric generation service now make it possible to switch commodity service in as little as three business days. See 52 Pa. Code §§ 57.173, 57.174 and 57.180. Some utilities, as part of the switching process, will issue a final short-period bill for the customer’s current supplier so that billing with the new supplier can start within the three business day timeframe. The Commission has already issued temporary waivers of the Section 56.1 definition of billing month to facilitate this process,<sup>6</sup> and we believe it is necessary to codify this change in billing procedures to eliminate the need for repeated waivers in the future.

§ 56.262. *Meter reading; estimated billing; customer readings.*

We propose adding a new paragraph (6)—Verification of automatic meter reading to incorporate the new requirement at Section 1411 that utilities verify meter readings at the request of the customer. See 66 Pa.C.S. § 1411 (relating to automatic meter readings). This revision provides additional protections to the customers covered by subchapters L—V.

§ 56.282. *Credit standards.*

We propose new paragraph (4) to align with the new Section 1404(a.1) prohibition on CAP-eligible customers and applicants paying deposits. This revision provides additional protections to the customers covered by subchapters L—V.

§ 56.286. *Written procedures.*

We propose revising this regulation to include incorporation into the utility’s written credit procedures the deposit exception in Section 56.282 for CAP-eligible applicants, per Section 1404(a.1). We also propose including in the procedures the availability of alternative credit standards for applicants with a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence, in addition to the those applicants who have been granted protection from abuse orders, pursuant to Section 1417. We likewise propose revising paragraph (1) to include a requirement that utilities provide this same information to applicants in writing when credit is denied. These revisions will provide additional protections to the customers covered by subchapters L—V.

<sup>6</sup> See Petition of PECO Energy Company for Temporary Waiver of Regulations Related to the Required Days In a Billing Period, Docket P-2014-2446292 (Order entered December 4, 2014).

§ 56.291. *General rule.*

We propose new paragraph (4) to align with the new Section 1404(a.1) prohibition on CAP-eligible customers and applicants paying deposits. This revision provides additional protections to the customers covered by subchapters L—V.

§ 56.306. *Interest rate.*

We propose changing the mechanism for determining the interest rate applied to security deposits to align with the change at Section 1404(c)(6). We believe this change is neutral from a customer protection perspective. Whether this change is beneficial compared to the existing language depends upon prevailing interest rates. At times, this revision will favor customers compared to the current rule; at other times, possibly not so. Since the impact on consumers is neutral, we think making the interest rate calculation the same for all security deposits is the most reasonable approach. Requiring utilities to assess and track differing interest rates on different deposits would impose burdens on utilities while providing no clear benefit to consumers.

§ 56.331. *General notice provisions and contents of termination notice.*

We propose revising the information directed to customers on written ten-day termination notices in paragraph (9) to include notice to customers that the special protections available for victims under a protection from abuse order are now also available to those customers with a court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence, per Section 1417.

§ 56.333. *Personal contact.*

We propose revising this section to provide for the optional use of electronic messaging for providing three-day personal notice of termination, per Section 1406(b). This revision provides additional protections to the customers covered by subchapters L—V. We invite comment on the privacy protections and the customer consent practices that should be required in the context of electronic messaging. See 66 Pa.C.S. § 1406(b)(1)(ii)(C) and (D).

§ 56.337. *Procedures upon customer or occupant contact prior to termination.*

We propose revising subparagraph (iv) is to require utilities to provide universal service program information to consumers upon contact from a consumer during the termination process, pursuant to Section 1410.1(1) and (2).

§ 56.340. *Winter termination procedures.*

We propose revising paragraph (5) to clarify that the February update of the survey of households without heating service in the winter is to include households terminated in December. Commission staff and utilities have encountered questions about this section because the current language is unclear on this point. By failing to include any December terminations, the survey result reported on February 1 is not a complete picture of the households without utility service in the winter. This proposed revision is intended to correct that possible problem.

§ 56.351. *General provision.*

We refer to physician assistants in addition to physician and nurse practitioner in order to align with the new



definition at Section 1403. This revision provides additional protections to the customers covered by subchapters L—V.

§ 56.353. *Medical certifications.*

We refer to physician assistants in addition to physician and nurse practitioner in order to align with the new definition at Section 1403. We also propose revising this section to make it similar to the changes we are proposing to the analogous Section 56.113—specifically by removing the requirements in Subsections 56.353(3) and (4), which require the medical certificate to include the “nature and anticipated length of the affliction” and the “specific reason for which the service is required.” This section currently requires the medical professional to divulge information about the patient’s medical condition to the utility—contrary to the privacy and confidentiality of personal medical information that patients have come to expect. Accordingly, we propose eliminating the “nature” of the affliction and “the specific reason for which service is required” as part of this regulation. However, we do not see the “length of the affliction” at Subsection 56.353 (3) as being contrary to patient expectations of privacy; in fact, the utility needs to know this information to determine the duration of the medical certificate. See 52 Pa. Code § 56.354. Some parties have suggested that the medical professional’s license number be included as a required element on a medical certificate. We invite parties to comment on this possibility.

§ 56.392. *Commission informal complaint procedure.*

We propose adding language to paragraph (1) to permit an informal complainant to receive a copy of the documents the utility provides Commission staff in response to an informal complaint. The opportunity to review this information is intended to protect the complainant’s due process rights. We acknowledge that there may be some relatively rare instances where these documents may refer to parties other than the complainant. In these instances, the utility is directed to redact any information that may compromise the privacy or personal security of a third party.

§ 56.403. *Review from informal complaint decisions of the Bureau of Consumer Services.*

We propose revising this language to clarify that the burden of proof remains with the party who filed the informal complaint. This language simply makes this provision consistent with existing Commission practices.

§ 56.421. *Payment and timing.*

We propose revising paragraph (7) to ensure that the information notifying customers that the special protections that may be available for victims under a protection from abuse order may also now be available to those customers with a court order providing clear evidence of domestic violence and issued by a court of competent jurisdiction in this Commonwealth, per Section 1417.

§ 56.431. *Public information.*

We propose revising paragraph (13) to ensure that the information directed to customers concerning the special protections that may be available for victims under a protection from abuse order may now also be available to those customers with a court order providing clear evidence of domestic violence and issued by a court of competent jurisdiction in this Commonwealth, per Section 1417.

§ 56.461. *Reporting requirements.*

We propose removing Section 56.461 and moving these requirements to the new Subsection 56.231(d). Consoli-

dating utility reporting requirements into one section of the regulations will assist utilities in locating and complying with these requirements.

*Chapter 56, Appendix A*

We refer to physician assistants in addition to physician and nurse practitioner in order to align with new definition at Section 1403.

*Chapter 56, Appendix B*

We refer to physician assistants in addition to physician and nurse practitioner in order to align with new definition at Section 1403.

*Chapter 56, Appendix C*

The intent of Appendix C is to provide a data dictionary to assist utilities in complying with the collections reporting requirements at Section 56.231. Providing explanations and definitions assists in obtaining consistent, uniform data from all utilities. This uniformity and consistency facilitates the validity of comparing the different utilities and their collections performances. This is essential for the Commission in complying with the Chapter 14 reporting requirements mandated by the General Assembly in Section 1415. See 66 Pa.C.S. § 1415 (relating to reporting to General Assembly and Governor). We are proposing some minor revisions to a few of the definitions. The revisions are intended to clarify a few of the definitions that have presented problems in the past and which have been questioned. Some of the revisions will also assist in aligning the Chapter 56 reporting requirements with reporting requirements found in Chapters 54 and 62. 52 Pa. Code § 54.75(1)(ii), (iii), (ix); 52 Pa. Code § 62.5(a)(1)(ii), (v), (ix), (xii).

The definition of Annual collections operating expenses as currently written is open to interpretation—causing utilities to submit inconsistent data for the reporting requirements. We are proposing to revise this definition in an attempt to establish consistency with the reporting requirements at Sections 54.75(1)(ii) and 62.5(a)(1)(ii).

The definition of Annual residential billings as currently written is open to interpretation, causing utilities to submit inconsistent data for the reporting requirements. We are proposing to revise this definition in an attempt to establish consistency with the reporting requirements at Section 62.5(a)(1)(v).

The definition of Total dollar amount of gross residential write-offs and Total dollar amount of net residential write-offs as currently written are open to interpretation, causing utilities to submit inconsistent data for the reporting requirements. We are proposing to revise this definition in an attempt to establish consistency with the reporting requirements at Sections 54.75(1)(iii) and 62.5(a)(1)(iii).

The definition of Total number of reconnections for reasons other than customer payment or medical certification as currently written is open to interpretation, causing utilities to submit inconsistent data for the reporting requirements. We are proposing to revise this definition in an attempt to establish consistency with the reporting requirements at Sections 54.75(1)(ix) and 62.5(a)(1)(xii).

*Chapter 56, Appendix D*

We reference Section 56.231(d) in Appendix D rather than Section 56.461 since this was deleted altogether from Annex A. These reporting requirements now appear in Section 56.231(d)

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 56. STANDARDS AND BILLING PRACTICES FOR RESIDENTIAL PUBLIC UTILITY SERVICE

Subchapter A. PRELIMINARY PROVISIONS FOR UTILITIES AND CUSTOMERS SUBJECT TO CHAPTER 14 OF THE PUBLIC UTILITY CODE

§ 56.1. Statement of purpose and policy.

\* \* \* \* \*

(b) This subchapter and Subchapters B—K apply to electric distribution utilities, natural gas distribution utilities [ and ], wastewater utilities, steam heat utilities, small natural gas utilities and water distribution utilities. Subchapters L—V apply to [ wastewater utilities, steam heat utilities, small natural gas utilities and to ] all customers who have been granted protection from abuse orders [ from courts of competent jurisdiction ] as provided by 23 Pa.C.S. Chapter 61 (relating to Protection from Abuse Act) or a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence against the applicant or customer.

§ 56.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

Applicant—

(i) A natural person at least 18 years of age not currently receiving service who applies for residential service provided by a public utility or any adult occupant whose name appears on the mortgage, deed or lease of the property for which the residential public utility service is requested.

(ii) The term does not include a person who [ seeks to transfer service within the service territory of the same public utility or to reinstate service at the same address provided that the final bill for service is not past due ], within 30 days after service termination or discontinuance of service, seeks to have service reconnected at the same location or transferred to another location within the service territory of the public utility.

Basic services—

(i) Services necessary for the physical delivery of residential public utility service.

(ii) The term also includes default service as defined in this section.

Billing month—A period of not less than 26 days and not more than 35 days except in the following circumstances:

(i) An initial bill for a new customer may be less than 26 days or greater than 35 days. However, if an initial bill exceeds 60 days, the customer shall be given the opportunity to amortize the amount over a period equal to the period covered by the initial bill without penalty.

(ii) A final bill due to discontinuance may be less than 26 days or greater than 35 days but may never exceed 42 days. In cases involving termination, a final bill may be less than 26 days.

(iii) Bills for less than 26 days or more than 35 days shall be permitted if they result from a rebilling initiated by the company or customer dispute to correct a billing problem.

(iv) Bills for less than 26 days or more than 35 days shall be permitted if they result from a meter reading route change initiated by the public utility. The public utility shall informally contact the Director of the Bureau of Consumer Services at least 30 days prior to the rerouting and provide information as to when the billing will occur, the number of customers affected and a general description of the geographic area involved. If a bill resulting from a meter rerouting exceeds 60 days, the customer shall be given the opportunity to amortize the amount over a period equal to the period covered by the bill without penalty.

(v) Bills for less than 26 days shall be permitted when there is a change of the customer's electric generation supplier.

Billing period—In the case of public utilities supplying gas, electric and steam heating service, the billing period must conform to the definition of "billing month." In the case of water and wastewater service, a billing period may be monthly, bimonthly or quarterly as provided in the tariff of the public utility. Customers shall be permitted to receive bills monthly and be notified of their rights thereto.

Class A water utility—A water utility with annual revenues greater than \$1 million.

Creditworthiness—An assessment of an applicant's or customer's ability to meet bill payment obligations for utility service.

Customer—

(i) A natural person at least 18 years of age in whose name a residential service account is listed and who is primarily responsible for payment of bills rendered for the service or an adult occupant whose name appears on the mortgage, deed or lease of the property for which the residential public utility service is requested. [ A natural person remains a customer after discontinuance or termination until the final bill for service is past due. ]

(ii) The term includes a person who, within 30 days after service termination or discontinuance of service, seeks to have service reconnected at the same location or transferred to another location within the service territory of the public utility.

\* \* \* \* \*

Delinquent account—Charges for public utility service which have not been paid in full by the due date stated on the bill or otherwise agreed upon; provided that an account may not be deemed delinquent if: prior to the due date, a payment [ agreement ] arrangement with the public utility has been entered into by the customer, a timely filed notice of dispute is pending before the public utility, or, under time limits provided in this chapter, an informal or formal complaint is timely filed with and is pending before the Commission.

\* \* \* \* \*

*Electronic notification of payment*—A notification generated by an electronic payment system upon receipt of a payment from a customer using an electronic billing and payment system administered by the **public** utility or a system the **public** utility is responsible for maintaining. The notification must inform the customer of successful receipt and amount of payment and the date and time the payment was received.

\* \* \* \* \*

*Initial inquiry*—A concern or question of an applicant, customer or occupant about a public utility’s application of a provision covered by this chapter, including, but not limited to, subjects such as credit determinations, deposit requirements, the accuracy of meter readings or bill amounts or the proper party to be charged. If a public utility, with the consent of the applicant, customer or occupant, offers to review pertinent records and call back the applicant, customer or occupant within 3 business days with a response, the contact will be considered an initial inquiry pending a determination of satisfaction by the applicant, customer or occupant with the company’s response. If the company cannot reach the customer to convey the information obtained through a review of company records, a letter shall be sent which summarizes the information and informs the customer to contact the company within 5 business days if the customer disagrees with the company position, or has additional questions or concerns about the matter.

*Medical certificate*—A written document, in a form approved by the Commission, that:

(i) Certifies that a customer or member of the customer’s household is seriously ill or has been diagnosed with a medical condition which requires the continuation of service to treat the medical condition.

(ii) Is signed by a licensed physician, nurse practitioner or physician assistant.

*Natural gas distribution service*—The delivery of natural gas to retail gas customers utilizing the jurisdictional facilities of a natural gas distribution utility.

\* \* \* \* \*

*Payment [ agreement ] arrangement*—An [ agreement ] arrangement in which a customer or applicant who admits liability for billed service is permitted to amortize or pay the unpaid balance of the account in one or more payments.

*Person*—An individual, partnership, corporation, association, including any lessee, assignee, trustee, receiver, executor, administrator and other successors in interest.

*Physician*—An individual licensed to engage in the practice of medicine and surgery in all of its branches, or in the practice of osteopathy or osteopathic surgery by a jurisdiction within the United States of America.

*Physician assistant*—An individual licensed by the State Board of Medicine in this Commonwealth who provides any medical service, as directed by the supervising physician licensed to practice medicine in this Commonwealth, when the service is within the physician assistant’s skills, training and experience, forms a component of the physician’s scope of practice, is included in the written agreement and is provided with the amount of supervision in keeping with the accepted standards of medical practice. See 49 Pa. Code § 18.151(b) (relating to role of physician assistant).

*Premises or affected premises*—Unless otherwise indicated, the residence of the occupant.

*Public utility*—An electric distribution utility, natural gas distribution utility, **small natural gas distribution utility, steam heat utility, wastewater utility** or water distribution utility in this Commonwealth that is within the jurisdiction of the Commission.

*Remote reading device*—

(i) A device which by electrical impulse or otherwise transmits readings from a meter, usually located within a residence, to a more accessible location outside of a residence.

(ii) The term does not include the following:

(A) AMR devices as defined in this section.

(B) Devices that permit direct interrogation of the meter.

*Residential service*—

(i) Public utility service supplied to a dwelling, including service provided to a commercial establishment if concurrent service is provided to a residential dwelling attached thereto.

(ii) The term does not include public utility service provided to a hotel or motel.

*Small natural gas distribution utility*—A public utility providing natural gas distribution services subject to the jurisdiction of the Commission that meets one of the following:

(i) Has annual gas operating revenues of less than \$6 million per year.

(ii) Is not connected to an interstate gas pipeline by means of a direct connection or any indirect connection through the distribution system of another natural gas public utility or through a natural gas gathering system.

*Steam heat utility*—An entity producing, generating, distributing or furnishing steam for the production of heat or to or for the public for compensation.

*Termination of service*—Cessation of service, whether temporary or permanent, without the consent of the customer.

*Unauthorized use of public utility service*—Unreasonable interference or diversion of service, including meter tampering (any act which affects the proper registration of service through a meter), by-passing unmetered service that flows through a device connected between a service line and customer-owned facilities and unauthorized service restoral.

*User without contract*—A person as defined in 66 Pa.C.S. § 102 (relating to definitions) that takes or accepts public utility service without the knowledge or approval of the public utility, other than the unauthorized use of **public** utility service as defined in this section.

*Wastewater utility*—

(i) An entity owning or operating equipment or facilities for the collection, treatment or disposal of sewage to or for the public for compensation.

(ii) The term includes separate companies that individually provide water or wastewater service so long as the separate companies are wholly owned by a common parent company.

*Water distribution utility*—An entity owning or operating equipment or facilities for diverting, developing, pumping, impounding, distributing or furnishing water to or for the public for compensation.

**Subchapter B. BILLING AND PAYMENT STANDARDS**

**BILLING**

**§ 56.11. Billing frequency.**

\* \* \* \* \*

(b) A public utility may utilize electronic billing in lieu of mailed paper bills. Electronic billing programs must include the following requirements:

\* \* \* \* \*

(5) The electronic bill must include the option for the customer to contribute to the public utility’s hardship fund if the **public** utility is able to accept hardship fund contributions by this method.

\* \* \* \* \*

**§ 56.12. Meter reading; estimated billing; customer readings.**

Except as provided in this section, a public utility shall render bills based on actual meter readings by public utility company personnel.

\* \* \* \* \*

(5) *Remote reading devices for water, gas and electric public utilities.* A public utility may render a bill on the basis of readings from a remote reading device under the following conditions:

\* \* \* \* \*

(iv) Nothing in this section may be construed to limit the authority of electric, gas or water utilities to gain access to a residence for the purpose of checking or reading a meter.

**(6) Verification of automatic meter reading. Upon a customer request, the public utility shall secure an in-person meter reading to confirm the accuracy of an automatic meter reading device when a customer disconnects service or a new service request is received. A public utility may charge a fee, as provided in a Commission-approved tariff.**

[ (6) ] (7) *Limitation of liability.* If a water public utility has estimated bills and if the customer or occupant during that period has consumed an amount of water in excess of normal seasonal usage because of a verified leak that could not reasonably have been detected or other unknown loss of water, the customer is not liable for more than 150% of the average amount of water consumed for the corresponding period during the previous year. This section does not apply when the water public utility was unable to gain access and has complied with paragraph (4).

[ (7) ] (8) *Budget billing.* A gas, electric and steam heating public utility shall provide its residential customers, on a year-round rolling enrollment basis, with an optional billing procedure which averages estimated public utility service costs over a 10-month, 11-month or 12-month period to eliminate, to the extent possible, seasonal fluctuations in **public** utility bills. The public utility shall review accounts at least three times during the optional billing period. At the conclusion of the budget billing year, a resulting reconciliation amount exceeding \$100 but less than \$300 shall be, at the request of the

customer, amortized over a 6-month period. Reconciliation amounts exceeding \$300 shall be amortized over at least a 12-month period at the request of the customer. Shorter amortization periods are permissible at the request of the customer.

[ (8) ] (9) *Notice.* The public utility shall inform existing customers of their rights under this section and 66 Pa.C.S. § 1509 (relating to billing procedures).

**§ 56.17. Advance payments.**

Payments may be required in advance of furnishing any of the following services:

- (1) Seasonal service.
- (2) The construction of facilities and furnishing of special equipment.
- (3) Gas and electric rendered through prepayment meters provided:

(i) The customer is nonlow income. For purposes of this section, “nonlow income” is defined as an individual who has an annual household gross income greater than 150% of the Federal poverty income guidelines and has a delinquency for which the individual is requesting a payment [ **agreement** ] **arrangement** but offering terms that the public utility, after consideration of the factors in § 56.97(b) (relating to procedures upon customer or occupant contact prior to termination), finds unacceptable.

(ii) The service is being rendered to an individually-metered residential dwelling, and the customer and occupants are the only individuals affected by the installation of a prepayment meter.

(iii) The customer and public utility enter into a payment [ **agreement** ] **arrangement** which includes, but is not limited to, the following terms:

\* \* \* \* \*

(v) During the first 2 years of use of prepayment meters, the public utility thoroughly and objectively evaluates the use of prepayment meters in accordance with the following:

(A) *Content.* The evaluation should include both process and impact components. Process evaluation should focus on whether the use of prepayment meters conforms to the program design and should assess the degree to which the program operates efficiently. The impact evaluation should focus on the degree to which the program achieves the continuation of **public** utility service to participants at reasonable cost levels. The evaluation should include an analysis of the costs and benefits of traditional collections or alternative collections versus the costs and benefits of handling nonlow income positive ability to pay customers through prepayment metering. This analysis should include comparisons of customer payment behavior, energy consumption, administrative costs and actual collection costs.

\* \* \* \* \*

**PAYMENTS**

**§ 56.21. Payment.**

The due date for payment of a bill may not be [ **no** ] less than 20 days from the date of transmittal; that is, the date of mailing, electronic transmission or physical delivery of the bill by the public utility to the customer.

\* \* \* \* \*

§ 56.23. Application of partial payments between public utility and other service.

Payments received by a public utility without written instructions that they be applied to merchandise, appliances, special services, meter testing fees or other nonbasic charges and which are insufficient to pay the balance due for the items plus amounts billed for basic public utility service shall first be applied to the basic charges for residential public utility service.

§ 56.24. Application of partial payments among several bills for public utility service.

In the absence of written instructions, a disputed bill or a payment [ agreement ] arrangement, payments received by a public utility which are insufficient to pay a balance due both for prior service and for service billed during the current billing period shall first be applied to the balance due for prior service.

Subchapter C. CREDIT AND DEPOSITS STANDARDS POLICY PROCEDURES FOR APPLICANTS

§ 56.32. Security and cash deposits.

(a) [ A public utility may require a cash deposit ] In addition to the right to collect a deposit under any Commission regulation or order, the public utility may require a cash deposit, payable during a 90-day period in accordance with Commission regulations, in an amount that is equal to 1/6 of an applicant's estimated annual bill at the time the public utility determines a deposit is required, based upon the following:

(1) An applicant who previously received public utility distribution services and was a customer of the public utility and whose service was terminated for any of the following reasons:

\* \* \* \* \*

(v) Failure to comply with the material terms of a payment [ agreement ] arrangement.

\* \* \* \* \*

(2) An applicant who is unable to establish creditworthiness to the satisfaction of the public utility through the use of a generally accepted credit scoring methodology, as provided in a Commission-approved tariff, and which employs standards for using the methodology that fall within the range of general industry practice. The credit scoring methodology utilized for this purpose must specifically assess the risk of public utility bill payment.

\* \* \* \* \*

(c) Prior to providing public utility service, a public utility may require the applicant to provide the names of each adult occupant residing at the location and proof of their identity. For purposes of this section, valid identification consists of one government issued photo identification. If one government issued photo identification is not available, the public utility may require the applicant to present two alternative forms of identification, as long as one of the identifications includes a photo of the individual. In lieu of requiring identification, the public utility may ask, but may not require, the individual to provide the individual's Social Security Number. Public utilities shall take all appropriate actions needed to ensure the privacy and confidentiality of identification information provided by their applicants and customers.

(d) A public utility is not required to provide service if the applicant fails to pay the full amount of the cash deposit within the time period under subsection (a).

(e) Notwithstanding subsection (a), a public utility may not require a customer that is confirmed to be eligible for a customer assistance program to provide a cash deposit.

§ 56.35. Payment of outstanding balance.

\* \* \* \* \*

(b) A public utility may not require, as a condition of the furnishing of residential service, payment for residential service previously furnished under an account in the name of a person other than the applicant, except as provided for in paragraphs (1) and (2).

(1) A public utility may require the payment of an outstanding balance or portion of an outstanding balance if the applicant resided at the property for which service is requested during the time the outstanding balance accrued and for the time the applicant resided there, not exceeding 4 years from the date of the service request. The 4-year limit does not apply if the balance includes amounts that the public utility was not aware of because of fraud or theft on the part of the applicant.

\* \* \* \* \*

§ 56.36. Written procedures.

\* \* \* \* \*

(b) A public utility shall establish written procedures for determining the credit status of an applicant and for determining responsibility for unpaid balances in accordance with § 56.35 (relating to payment of outstanding balance). The written procedures must specify that there are separate procedures and standards for victims with a protection from abuse order or a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence. The procedures must also specify that any applicant that is confirmed to be eligible for a customer assistance program will not be required to pay a deposit. A public utility employee processing applications or determining the credit status of applicants shall be supplied with or have ready access to a copy of the written procedures of the public utility. A copy of these procedures shall be maintained on file in each of the business offices of the public utility and made available, upon request, for inspection by members of the public and the Commission and be included on the public utility's web site.

(1) Reasons for denial of credit. If credit is denied, the public utility shall inform the applicant in writing of the reasons for the denial within 3 business days of the denial. This information may be provided electronically to the applicant with the applicant's consent. The written denial statement must include the provider of the credit score, information on the applicant's ability to challenge the accuracy of the credit score and how to contact the credit score provider. If the public utility is requiring payment of an unpaid balance in accordance with § 56.35, the public utility shall specify in writing the amount of the unpaid balance, the dates during which the balance accrued and the location and customer name at which the balance accrued. The statement must inform the applicant of the right to furnish a third-party guarantor in accordance with § 56.33 (relating to third-party guarantors) and the right to contact the Commission. The statement must include information informing victims of

domestic violence with a protection from abuse order or a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence that more lenient credit and liability standards may be available. The statement must also inform the applicant that if he is confirmed to be eligible for a customer assistance program a deposit is not required.

\* \* \* \* \*

§ 56.38. Payment period for deposits by applicants.

(a) An applicant required to pay a deposit under § 56.32 (relating to security and cash deposits) [ may be required by the public utility to pay the deposit in full prior to the provision of public utility service ] shall have up to 90 days to pay the deposit in accordance with Commission regulations.

\* \* \* \* \*

PROCEDURES FOR EXISTING CUSTOMERS

§ 56.41. General rule.

A public utility may require an existing customer to post a deposit to reestablish credit under the following circumstances:

(1) *Delinquent accounts.* Whenever a customer has been delinquent in the payment of any two consecutive bills or three or more bills within the preceding 12 months.

\* \* \* \* \*

(ii) Except in the case of adjustments to budget billing plans, a public utility may issue a notification or subsequent request for a deposit based, in whole or in part, on a delinquent account arising out of a make-up bill as defined in § 56.14 (relating to previously unbilled public utility service) under the following conditions:

(A) The public utility has complied with § 56.14. Compliance with a payment [ agreement ] arrangement by the customer discharges the delinquency and a notification or request for deposit may not thereafter be issued based on the make-up bill.

(B) If a make-up bill exceeds the otherwise normal estimated bill by at least 50% and if the customer makes payment in full after the bill is delinquent but before a notification of intent to request a deposit is given to the customer, a notification or request for deposit may not thereafter be issued based on the make-up bill.

(2) *Condition to the reconnection of service.* A public utility may require a deposit as a condition to reconnection of service following a termination in accordance with § 56.191 (relating to payment and timing).

(3) *Failure to comply with payment [ agreement ] arrangement.* A public utility may require a deposit, whether or not service has been terminated, when a customer fails to comply with a material term or condition of a payment [ agreement ] arrangement.

(4) *Cash deposit prohibition.* Notwithstanding paragraphs (1)—(3), a public utility may not require a customer or an applicant that is confirmed to be eligible for a customer assistance program to provide a cash deposit.

§ 56.42. Payment period for deposits by customers.

\* \* \* \* \*

(d) *Failure to comply with a payment [ agreement ] arrangement.* A customer paying a deposit under § 56.41(3) may be required to pay the deposit in [ full upon the determination of the utility that a deposit is required ] three installments: 50% billed upon the determination by the public utility that the deposit is required; 25% billed 30 days after the determination; and 25% billed 60 days after the determination. The public utility shall inform the customer of the option to pay the deposit in the installments described in this subsection. The customer retains the option to pay the deposit amount in full before the due date.

CASH DEPOSITS

§ 56.53. Deposit hold period and refund.

(a) A public utility may hold a deposit until a timely payment history is established [ or for a maximum period of 24 months ].

(b) A timely payment history is established when a customer has paid in full and on time for 12 consecutive months.

(c) At the end of the deposit holding period as established in subsection (a), the public utility shall deduct the outstanding balance from the deposit and return or credit any positive difference to the customer. At the option of the public utility, a cash deposit, including accrued interest, may be refunded in whole or in part, at any time earlier than the time stated in this section.

\* \* \* \* \*

§ 56.57. Interest rate.

The public utility shall accrue interest on the deposit until it is returned or credited [ the legal rate of interest under section 202 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 202), known as the Loan Interest and Protection Law, and return the interest with the deposit ].

(1) Interest shall be computed at the simple annual interest rate determined by the Secretary of Revenue for interest on the underpayment of tax under section 806 of The Fiscal Code (72 P.S. § 806).

(2) The interest rate in effect when the deposit is required to be paid shall remain in effect until the date the deposit is refunded or credited, or December 31, whichever is later.

(3) On January 1 of each year, the new interest rate for that year will apply to the deposit.

Subchapter D. INTERRUPTION AND DISCONTINUANCE OF SERVICE

§ 56.72. Discontinuance of service.

A public utility may discontinue service without prior written notice under the following circumstances:

\* \* \* \* \*

(2) *Other premises or dwellings.* Other premises or dwellings as follows:

(i) When a customer requests discontinuance at a dwelling other than the customer's residence or at a single meter multifamily residence, whether or not the customer's residence but, in either case, only under either of the following conditions:

(A) The customer states in writing that the premises are unoccupied. The statement must be on a form con-

spicuously bearing notice that information provided by the customer will be relied upon by the Commission in administering a system of uniform service standards for public utilities and that any false statements are punishable criminally. When the customer fails to provide a notice, or when the customer has falsely stated the premises are unoccupied, the customer shall be responsible for payment of public utility bills until the public utility discontinues service.

\* \* \* \* \*

**Subchapter E. TERMINATION OF SERVICE  
GROUNDS FOR TERMINATION**

**§ 56.81. Authorized termination of service.**

A public utility may notify a customer and terminate service provided to a customer after notice as provided in §§ 56.91—56.100 (relating to notice procedures prior to termination) for any of the following actions by the customer:

\* \* \* \* \*

(4) Failure to comply with the material terms of a payment [ **agreement** ] **arrangement**.

**§ 56.82. Timing of termination.**

A public utility may terminate service for the reasons in § 56.81 (relating to authorized termination of service) from Monday through [ **Friday** ] **Thursday** as long as the public utility is able to accept payment to restore service on the day of termination and on the following day and can restore service consistent with § 56.191 (relating to payment and timing).

**§ 56.83. Unauthorized termination of service.**

Unless expressly and specifically authorized by the Commission, service may not be terminated nor will a termination notice be sent for any of the following reasons:

\* \* \* \* \*

(6) Noncompliance with a payment [ **agreement** ] **arrangement** prior to the due date of the bill which forms the basis of the agreement.

(7) Nonpayment of charges for public utility service for which the **public** utility ceased billing more than 4 years prior to the date the bill is rendered.

\* \* \* \* \*

**NOTICE PROCEDURES PRIOR TO TERMINATION**

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

\* \* \* \* \*

(b) A notice of termination must include, in conspicuous print, clearly and fully the following information when applicable:

\* \* \* \* \*

(4) The date on or after which service will be terminated unless one of the following occurs:

- (i) Payment in full is received.
- (ii) The grounds for termination are otherwise eliminated.
- (iii) A payment [ **agreement** ] **arrangement** is established.

\* \* \* \* \*

(6) A statement that the customer should immediately contact the public utility to attempt to resolve the matter. The statement must include the address and telephone number where questions may be asked, how payment [ **agreements** ] **arrangements** may be negotiated and entered into with the public utility, and where applications can be found and submitted for enrollment into the public utility’s universal service programs, if these programs are offered by the public utility.

(7) The following statement: “If you have questions or need more information, contact us as soon as possible at (**public** utility phone number). After you talk to us, if you are not satisfied, you may file a complaint with the Public Utility Commission. The Public Utility Commission may delay the shut off if you file the complaint before the shut off date. To contact them, call 1 (800) 692-7380 or write to the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, Pennsylvania 17105-3265.”

\* \* \* \* \*

(11) Information indicating that special protections are available for victims under a protection from abuse order **or a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence** and how to contact the public utility to obtain more information on these protections.

\* \* \* \* \*

(17) Information in Spanish directing Spanish-speaking customers to the numbers to call for information and translation assistance. Similar information shall be included in other languages when census data indicates that 5% or more of the residents of the **public** utility’s service territory are using that language.

(18) Contact information for customers with disabilities that need assistance.

**§ 56.93. Personal contact.**

(a) Except when authorized under § 56.71, § 56.72 or § 56.98 (relating to interruption of service; discontinuance of service; and immediate termination for unauthorized use, fraud, tampering or tariff violations), a public utility may not interrupt, discontinue or terminate service without attempting to contact the customer or responsible adult occupant, either in person [ **or** ], by telephone **or electronically with the customer’s consent**, to provide notice of the proposed termination at least 3 days prior to the scheduled termination **using one of the methods in this section**. If personal contact by one method is not possible, the public utility is obligated to attempt [ **the other** ] **another** method.

[ **(b)** ] (1) Phone contact shall be deemed complete upon attempted calls on 2 separate days to the residence between the hours of 8 a.m. and 9 p.m. if the calls were made at various times each day, with the various times of the day being daytime before 5 p.m. and evening after 5 p.m. and at least 2 hours apart. Calls made to contact telephone numbers provided by the customer shall be deemed to be calls to the residence.

[ **(c)** ] (2) If contact is attempted in person by a home visit, only one attempt is required. The public utility shall conspicuously post a written termination notice at the residence if it is unsuccessful in attempting to personally contact a responsible adult occupant during the home visit.

(3) **Contact by e-mail, text message or other electronic messaging format consistent with the Com-**

mission's privacy guidelines and approved by Commission order. The electronic notification option is voluntary and shall only be used if the customer has given prior consent approving the use of a specific electronic message format for the purpose of notification of a pending termination.

[ (d) ] (b) The content of the 3-day personal contact notice must include the earliest date at which termination may occur and the following information:

\* \* \* \* \*

[ (e) ] (c) The public utility shall ask the customer or occupant if he has questions about the 10-day written notice the public utility previously sent.

§ 56.94. Procedures immediately prior to termination.

Immediately preceding the termination of service, a public utility employee, who may be the public utility employee designated to perform the termination, shall attempt to make personal contact with a responsible adult occupant at the residence of the customer.

\* \* \* \* \*

(3) Dishonorable tender of payment after receiving termination notice. After a public utility has provided a written termination notice under § 56.91 (relating to general notice provisions and contents of termination notice) and attempted telephone contact as provided in § 56.93 (relating to personal contact), termination of service may proceed [ without additional notice ] when:

(i) A customer tenders payment which is subsequently dishonored under 13 Pa.C.S. § 3502 (relating to dishonor) and which has not been cured or otherwise paid in full within 3 business days of the public utility's dishonored payment notice to the customer under § 56.93(a).

(ii) A customer tenders payment with an access device, as defined in 18 Pa.C.S. § 4106(d) (relating to access device fraud), which is unauthorized, revoked or canceled and which has not been cured or otherwise paid in full within 3 business days of the utility's dishonored payment notice to the customer under § 56.93(a).

(iii) A customer tenders payment electronically that is subsequently dishonored, revoked, canceled or is otherwise not authorized and which has not been cured or otherwise paid in full within 3 business days of the public utility's dishonored payment notice to the customer under § 56.93(a).

§ 56.97. Procedures upon customer or occupant contact prior to termination.

(a) If, after the issuance of the initial termination notice and prior to the actual termination of service, a customer or occupant contacts the public utility concerning a proposed termination, an authorized public utility employee shall fully explain:

- (1) The reasons for the proposed termination.
- (2) All available methods for avoiding a termination, including the following:
  - (i) Tendering payment in full or otherwise eliminating the grounds for termination.
  - (ii) Entering a payment [ agreement ] arrangement.

(iii) Paying what is past-due on the most recent previous company negotiated or Commission payment [ agreement ] arrangement.

[ (iv) Enrolling in the public utility's customer assistance program or its equivalent, if the public utility has these programs and the customer is eligible for the program. ]

(3) Information about the public utility's universal service programs, including the customer assistance program. Refer the customer or applicant to the universal service program administrator of the public utility to determine eligibility for a program and to apply for enrollment in a program.

[ (3) ] (4) The medical emergency procedures.

(b) The public utility, through its employees, shall exercise good faith and fair judgment in attempting to enter a reasonable payment [ agreement ] arrangement or otherwise equitably resolve the matter. Factors to be taken into account when attempting to enter into a reasonable payment [ agreement ] arrangement include the size of the unpaid balance, the ability of the customer to pay, the payment history of the customer and the length of time over which the bill accumulated. Payment [ agreements ] arrangements for heating customers shall be based upon budget billing as determined under § 56.12(7) (relating to meter reading; estimated billing; customer readings). If a payment [ agreement ] arrangement is not established, the company shall further explain the following:

\* \* \* \* \*

§ 56.100. Winter termination procedures.

\* \* \* \* \*

(e) Identification of accounts protected during the winter. Public utilities shall determine the eligibility of an account for termination during the period of December 1 through March 31 under the criteria in subsections (b) and (c) before terminating service. Public utilities are to use household income and size information they have on record provided by customers to identify accounts that are not to be terminated during the period of December 1 through March 31. Public utilities are expected to solicit from customers, who contact the public utility in response to notices of termination, household size and income information and to use this information to determine eligibility for termination. Public utilities who intend to require verification of household income information submitted by consumers relating to this subsection shall include, in their tariffs filed with the Commission, the procedures they intend to implement to obtain verification. The procedures should specify the proof or evidence the public utility will accept as verification of household income.

(f) Landlord ratepayer accounts. During the period of December 1 through March 31, a public utility may not terminate service to a premises when the account is in the name of a landlord ratepayer as defined in 66 Pa.C.S. § 1521 (relating to definitions) except for the grounds in § 56.98.

(g) Right of public utility to petition the Commission for permission to terminate service to a customer protected by the prohibitions in this section.

(1) The public utility shall comply with §§ 56.91—56.95 including personal contact, as defined in § 56.93 (relating to personal contact), at the premises if occupied.



(2) If at the conclusion of the notification process defined in §§ 56.91—56.95, a reasonable [ **agreement arrangement** cannot be reached between the public utility and the customer, the public utility shall register with the Commission, in writing, a request for permission to terminate service, accompanied by a **public utility report** as defined in § 56.152 (relating to contents of the public utility company report). At the same time, the public utility shall serve the customer a copy of the written request registered with the Commission.

(3) If the customer has filed an informal complaint or if the Commission has acted upon the public utility's written request, the matter shall proceed under §§ 56.161—56.165. Nothing in this section may be construed to limit the right of a public utility or customer to appeal a decision by the Bureau of Consumer Services under 66 Pa.C.S. § 701 (relating to complaints) and §§ 56.171—56.173 and 56.211.

(h) *Survey of terminated heat related accounts.* For premises where heat related service has been terminated within the past year for any of the grounds in § 56.81 (relating to authorized termination of service) or § 56.98, electric distribution utilities, natural gas distribution utilities and Class A water distribution utilities shall, within 90 days prior to December 1, survey and attempt to make post-termination personal contact with the occupant or a responsible adult at the premises and in good faith attempt to reach an agreement regarding payment of any arrearages and restoration of service.

(i) *Reporting of survey results.* Electric distribution utilities, natural gas distribution utilities and Class A water distribution utilities shall file a brief report outlining their pre-December 1 survey and personal contact results with the Bureau of Consumer Services on or before December 15 of each year. Each **public utility** shall update the survey and report the results to the Bureau of Consumer Services on February 1 of each year to reflect any change in the status of the accounts subsequent to the December 15 filing, **including any accounts terminated in December**. For the purposes of the February 1 update of survey results, the public utility shall attempt to contact by telephone, if available, a responsible adult person or occupant at each residence in a good faith attempt to reach an agreement regarding payment of any arrearages and restoration of service.

(j) *Reporting of deaths at locations where public utility service was previously terminated.* Throughout the year, public utilities shall report to the Commission when, in the normal course of business, they become aware of a household fire, incident of hypothermia or carbon monoxide poisoning or other event that resulted in a death and that the **public utility** service was off at the time of the incident. Within 1 business day of becoming aware of an incident, the public utility shall submit a telephone or electronic report to the Director of the Bureau of Consumer Services including, if available, the name, address and account number of the last customer of record, the date of the incident, a brief statement of the circumstances involved and, if available from an official source or the media, the initial findings as to the cause of the incident and the source of that information. The Bureau or Commission may request additional information on the incident and the customer's account. Information submitted to the Commission in accordance with this subsection will be treated in accordance with 66 Pa.C.S. § 1508 (relating to reports of accidents) and may not be open for public inspection except by order of the Commission, and may not be admitted into evidence for any purpose in any

suit or action for damages growing out of any matter or thing mentioned in the report.

**EMERGENCY PROVISIONS**

**§ 56.111. General provision.**

A public utility may not terminate service, or refuse to restore service, to a premises when [ **a licensed physician or nurse practitioner has certified that the customer or an applicant seeking restoration of service under § 56.191 (relating to payment and timing) or a member of the customer's or applicant's household is seriously ill or afflicted with a medical condition that will be aggravated by cessation of service. The customer shall obtain a letter from a licensed physician verifying the condition and promptly forward it to the public utility** ] the customer or an applicant seeking restoration of service under § 56.191 (relating to payment and timing) has submitted a medical certificate to the public utility. The determination of whether a medical condition qualifies for the purposes of this section resides entirely with the physician [ **or** ], nurse practitioner **or physician assistant** and not with the public utility. A public utility may not impose any qualification standards for medical certificates other than those specified in this section.

**§ 56.113. Medical certifications.**

[ **Certifications initially may be written or oral, subject to the right of the public utility to verify the certification by calling the physician or nurse practitioner or to require written verification within 7 days. Certifications, whether written or oral, must include the following:** ] Medical certifications must be in writing. Public utilities may develop a medical certificate form. The public utility's medical certificate may not be mandatory. A medical certificate form developed by the public utility shall be made readily available and placed on the public utility's web site. Medical certificates may be electronically transmitted and electronic signatures are valid. A medical certificate must include all of the following:

(1) The name and address of the customer or applicant in whose name the account is registered.

(2) The name and address of the afflicted person and relationship to the customer or applicant.

(3) The [ **nature and** ] anticipated length of the affliction.

[ **(4) The specific reason for which the service is required.**

(5) ] (4) The name, office address and telephone number of the certifying physician [ **or** ], nurse practitioner **or physician assistant**.

(5) **The signature of the certifying physician, nurse practitioner or physician assistant.**

**§ 56.118. Right of public utility to petition the Commission.**

\* \* \* \* \*

(b) A public utility shall continue to provide service while a final Commission adjudication on the petition is pending. A petition under this section shall be accompanied by a **public utility** report described in § 56.152 (relating to contents of the public utility company report)

and shall be filed with the Secretary of the Commission with a copy served to the customer.

\* \* \* \* \*

**Subchapter F. DISPUTES; TERMINATION DISPUTES; INFORMAL AND FORMAL COMPLAINTS**

**PUBLIC UTILITY COMPANY DISPUTE PROCEDURES**

**§ 56.151. General rule.**

Upon initiation of a dispute covered by this section, the public utility shall:

- (1) Not issue a termination notice based on the disputed subject matter.
- (2) Investigate the matter using methods reasonable under the circumstances, which may include telephone or personal conferences, or both, with the customer or occupant.
- (3) Make a diligent attempt to negotiate a reasonable payment [ **agreement** ] **arrangement** if the customer or occupant is eligible for a payment [ **agreement** ] **arrangement** and claims a temporary inability to pay an undisputed bill. Factors which shall be considered in the negotiation of a payment [ **agreement** ] **arrangement** include, but are not limited to:

\* \* \* \* \*

(5) Within 30 days of the initiation of the dispute, issue its report to the complaining party. The public utility shall inform the complaining party that the report is available upon request.

- (i) If the complainant is not satisfied with the dispute resolution, the **public** utility company report must be in writing and conform to § 56.152 (relating to contents of the public utility company report). Further, in these instances, the written report shall be sent to the complaining party if requested or if the public utility deems it necessary.
- (ii) If the complaining party is satisfied with the orally conveyed dispute resolution, the written **public** utility company report may be limited to the information in § 56.152(1), (2) and, when applicable, § 56.152(7)(ii) or (8)(ii).
- (iii) The information and documents required under this subsection may be electronically provided to the complaining party as long as the complaining party has the ability to accept electronic documents and consents to receiving them electronically.

**§ 56.152. Contents of the public utility company report.**

A **public** utility company report must include the following:

\* \* \* \* \*

(4) A statement that if the complaining party does not agree with the **public** utility company report, an informal complaint shall be filed with the Commission to ensure the preservation of all of the complaining party's rights.

\* \* \* \* \*

(7) If the matter in dispute involves a billing dispute, the **public** utility company report must include the following:

(i) An itemized statement of the account of the complaining customer specifying the amount of credit, if any, and the proper amount due.

(ii) The date on or after which the account will become delinquent unless a payment [ **agreement** ] **arrangement** is entered into or an informal complaint is filed with the Commission. This date may not be earlier than the due date of the bill or 15 days after the issuance of a **public** utility company report, whichever is later.

(8) If the matter involves a dispute other than a billing dispute, the **public** utility company report must also state the following:

- (i) The action required to be taken to avoid the termination of service.
- (ii) The date on or after which service will be terminated in accordance with the applicable requirements unless the report is complied with, or a payment [ **agreement** ] **arrangement** entered into or an informal complaint filed. This date may not be earlier than the original date for compliance with the matter which gave rise to the dispute or 10 days from the date of issuance of the **public** utility company report, whichever is later. If the **public** utility company report is in writing, the information in this paragraph must be prominently displayed.

**INFORMAL COMPLAINT PROCEDURES**

**§ 56.163. Commission informal complaint procedure.**

Upon the filing of an informal complaint, which shall be captioned as "(Complainant) v. (public utility)," Commission staff will immediately notify the public utility; review the dispute; and, within a reasonable period of time, issue to the public utility and the complaining party an informal report with findings and a decision. Parties may represent themselves or be represented by counsel or other person of their choice, and may bring witnesses to appear on their behalf. The reports will be in writing and a summary will be sent to the parties if a party requests it or if the Commission staff finds that a summary is necessary.

(1) *Review techniques.* Review will be by an appropriate means, including, but not limited to, **public** utility company reports, telephone calls, conferences, written statements, research, inquiry and investigation. Procedures will be designed to ensure a fair and reasonable opportunity to present pertinent evidence and to challenge evidence submitted by the other party to the dispute, to examine a list of witnesses who will testify and documents, records, files, account data, records of meter tests and other material that the Commission staff will determine may be relevant to the issues, and to question witnesses appearing on behalf of other parties. Information and documents requested by Commission staff as part of the review process shall be provided by the public utility within 30 days of the request. If the complainant is without public utility service, or in other emergency situations as identified by Commission staff, the information requested by Commission staff shall be provided by the public utility within 5 business days of the request. **Upon request of the complainant or Commission staff, the public utility shall provide the complainant with a copy of the documents submitted to Commission staff in response to the informal complaint. The public utility shall redact documents to omit information that would possibly**

compromise the privacy or personal security of any individual other than the complainant.

\* \* \* \* \*

FORMAL COMPLAINTS

§ 56.173. Review from informal complaint decisions of the Bureau of Consumer Services.

\* \* \* \* \*

(f) Commission review. The Commission will review the decision of the assigned administrative law judge or special agent, commit it to advisory staff for further analysis, remand it to an administrative law judge or special agent for further development of the record or issue a final order. The burden of proof remains with the party who filed the [ formal ] informal complaint.

Subchapter G. RESTORATION OF SERVICE

§ 56.191. Payment and timing.

\* \* \* \* \*

(c) Payment to restore service.

(1) A public utility shall provide for and inform the applicant or customer of a location where the customer can make payment to restore service. A public utility shall inform the applicant or customer that conditions for restoration of service may differ if someone in the household is a victim of domestic violence with a protection from abuse order or a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence. A public utility shall also inform the applicant or customer that the timing and conditions for restoration of service may differ if someone in the household is seriously ill or affected by a medical condition which will be aggravated without public utility service.

(2) A public utility may require:

(i) Full payment of any outstanding balance incurred together with any reconnection fees by the customer or applicant prior to reconnection of service if the customer or applicant has an income exceeding 300% of the Federal poverty level or has defaulted on two or more payment [ agreements ] arrangements. For purposes of this section, neither a payment [ agreement ] arrangement intended to amortize a make-up bill under § 56.14 (relating to previously unbilled public utility service) or the definition of "billing month" in § 56.2 (relating to definitions), nor a payment [ agreement ] arrangement that has been paid in full by the customer, are to be considered a default. Budget billing plans and amortization of budget plan reconciliation amounts under [ § 56.12(7) ] § 56.12(8) (relating to meter reading; estimated billing; customer readings) may not be considered a default for the purposes of this section.

\* \* \* \* \*

(e) Approval. A public utility may establish that an applicant or customer previously resided at a property for which residential service is requested through the use of mortgage, deed or lease information, a commercially available consumer credit reporting service or other methods approved as valid by the Commission. Public utilities shall include in their tariffs filed with the Commission the methods, other than those specifically mentioned in this subsection, used to determine liability for outstanding balances.

(f) Dishonorable tender of payment for reconnection of service. A public utility may immediately

terminate service if a payment for reconnection of service is subsequently dishonored, revoked, canceled or otherwise not authorized and which has not been cured or otherwise paid in full within 3 business days of the public utility's dishonored payment notice to the customer under § 56.93(a) (relating to personal contact).

Subchapter H. PUBLIC INFORMATION PROCEDURES; RECORD MAINTENANCE

§ 56.201. Public information.

(a) In addition to the notice requirements in this chapter, the Commission will, within 6 months of the effective date of a change to a regulation in this chapter, prepare a summary of the rights and responsibilities of the public utility and its customers affected by the change. Summaries will be mailed by the public utility to each customer of the public utility affected by the change. These summaries, as well as a summary of the rights and responsibilities of the public utility and its customers in accordance with this chapter, shall be in writing, reproduced by the public utility, displayed prominently, available on the public utility's web site if the public utility has one and available at all public utility office locations open to the general public. The public utility shall inform new customers of the availability of this information and direct where to locate it on the public utility's web site. The public utility shall deliver or mail a copy upon the request of a customer or applicant.

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

\* \* \* \* \*

(13) Information indicating that additional consumer protections may be available for victims of domestic violence who have a protection from abuse order or a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence, people with serious illnesses and low income households.

§ 56.202. Record maintenance.

A public utility shall preserve for a minimum of 4 years written or recorded disputes and complaints, keep the records accessible within this Commonwealth at an office located in the territory served by it and make the records available for examination by the Commission or its staff. Information to be maintained includes the following:

(1) The payment performance of each of its customers.

(2) The number of payment [ agreements ] arrangements made by the public utility company and a synopsis of the terms, conditions and standards upon which [ agreements ] arrangements were made.

\* \* \* \* \*

Subchapter K. PUBLIC UTILITY REPORTING REQUIREMENTS

§ 56.231. Reporting requirements.

(a) Within 15 days after the end of each month, each electric distribution utility, natural gas distribution utility and class A water distribution utility shall file with the Commission a report containing all of the following information concerning residential accounts for that month:

- (1) The total number of residential heating customers.
- (2) The total number of residential nonheating customers.
- (3) The total number of active residential accounts in arrears not on a payment [ agreement ] arrangement.
- (4) The total dollar amount in arrears for active residential accounts in arrears and not on a payment [ agreement ] arrangement.
- (5) The total number of active residential accounts in arrears and on a payment [ agreement ] arrangement.
- (6) The total dollar amount in arrears for active residential accounts in arrears and on a payment [ agreement ] arrangement.

\* \* \* \* \*

(12) The total number of 3-day termination notices completed by telephone.

**(13) The total number of 3-day termination notices completed by electronic messaging formats.**

[ (13) ] (14) The total number of 48-hour termination notices posted.

[ (14) ] (15) The total number of terminations for nonpayment.

[ (15) ] (16) The total number of terminations for reasons other than nonpayment.

[ (16) ] (17) The total number of terminations for nonpayment and for reasons other than nonpayment categorized by the first three digits of each account's postal code.

[ (17) ] (18) The total number of reconnections for full customer payment, partial payment or payment [ agreement ] arrangement.

[ (18) ] (19) The total number of reconnections for customer submission of medical certification.

[ (19) ] (20) The total number of reconnections for reasons other than customer payment or medical certification.

[ (20) ] (21) The total number of applicants that are requested to pay or are billed a security deposit.

[ (21) ] (22) The total dollar amount in security deposits that are requested of or billed to applicants.

[ (22) ] (23) The total number of customers that are requested to pay or are billed a security deposit.

[ (23) ] (24) The total dollar amount in security deposits that are requested of or billed to customers.

(b) Within 90 days after the end of each year, each electric distribution utility, natural gas distribution utility and class A water distribution utility shall file with the Commission a report containing **all** of the following information concerning residential accounts for the previous year:

\* \* \* \* \*

(10) The average monthly usage for a nonheating customer.

**(11) The total number of medical certificates and renewals that have been submitted by customers.**

**(12) The total number of medical certificates and renewals that have been accepted by the public utility.**

(c) Within 90 days after the end of each year, each electric distribution utility, natural gas distribution utility and class A water distribution utility shall file with the Commission a report containing all of the following information concerning all active individual residential accounts for the previous year except accounts when someone has presented a protection from abuse order or a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence. Each account reported must be identified to the Commission with a unique account identifier that the public utility can match to the account. The unique identifier for an account shall be used in any subsequent reporting to identify that account. Customer names, addresses, account numbers, phone numbers, e-mail addresses, Social Security numbers or any other information that could be used to identify the customer may not be included.

(1) Any account with an arrearage at or exceeding \$10,000 as of December 31 of the calendar year. The information concerning each individual reported account must include all of the following:

- (i) Unique account identifier.
- (ii) The account balance as of December 31 of the calendar year.
- (iii) The date the account was established.
- (iv) The average monthly bill amount for the previous 12 months.
- (v) The number of Commission informal and formal complaints.
- (vi) The number of company payment arrangements.
- (vii) The number of times the customer's service was terminated for nonpayment.

(2) The Commission may request more detailed information on an account.

(d) Within 90 days after the end of each calendar year, each small natural gas distribution utility and each steam heat utility shall file with the Commission a report containing all of the following information concerning residential accounts for the previous year:

- (1) The total number of residential customers as of the end of each month for the calendar year.
- (2) The total number of terminations for nonpayment for each month of the calendar year.
- (3) The total number of terminations for reasons other than nonpayment for each month of the calendar year.
- (4) The total number of reconnections for customer payment for each month of the calendar year.

(5) The total number of reconnections for customer submission of medical certification for each month of the calendar year.

(6) The total number of reconnections for reasons other than customer payment or medical certification for each month of the calendar year.

(7) **The total dollar amount of annual residential billings.**

(8) **The total dollar amount of annual gross residential write-offs.**

[ (c) ] (e) Public utilities shall refer to the data dictionary in Appendix C (relating to definitions (§ 56.231)) for additional guidance as to the terms used in this section.

**Subchapter L. PROVISIONS FOR [ WASTEWATER, STEAM HEAT AND SMALL NATURAL GAS DISTRIBUTION UTILITIES AND ] VICTIMS OF DOMESTIC VIOLENCE WITH A PROTECTION FROM ABUSE ORDER OR A COURT ORDER ISSUED BY A COURT OF COMPETENT JURISDICTION IN THIS COMMONWEALTH WHICH PROVIDES CLEAR EVIDENCE OF DOMESTIC VIOLENCE**

**§ 56.251. Statement of purpose and policy.**

Subchapters L—V apply to victims under a protection from abuse order **or a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence against the applicant or customer** as provided by 23 Pa.C.S. Chapter 61 (relating to Protection from Abuse Act) and 66 Pa.C.S. § 1417 (relating to nonapplicability). [ **These subchapters also apply to wastewater, steam heating and natural gas distribution utilities with annual gas operating revenues of less than \$6 million per year, except when the utility seeks to provide natural gas supply services to retail gas customers outside its service territory as provided by 66 Pa.C.S. § 1403 (relating to definitions).** ] These subchapters establish and enforce uniform, fair and equitable residential **public** utility service standards governing eligibility criteria, credit and deposit practices, and account billing, termination and customer complaint procedures. This chapter assures adequate provision of residential **public** utility service, to restrict unreasonable termination of or refusal to provide that service and to provide functional alternatives to termination or refusal to provide that service. Every privilege conferred or duty required under this chapter imposes an obligation of good faith, honesty and fair dealing in its performance and enforcement. This chapter will be liberally construed to fulfill its purpose and policy and to insure justice for all concerned.

**§ 56.252. Definitions.**

The following words and terms, when used in this subchapter and Subchapters M—V, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Applicant—*

(i) A person at least 18 years of age who applies for residential **public** utility service.

(ii) The term does not include a person who, within 60 days after termination or discontinuance of service, seeks to transfer service within the service territory of the same **public** utility or to reinstate service at the same address.

*Basic services—*

(i) Services necessary for the physical delivery of residential **public** utility service.

(ii) The term also includes default service as defined in this section.

*Billing month—*A period of not less than 26 days and not more than 35 days except in the following circumstances:

(i) An initial bill for a new customer may be less than 26 days or greater than 35 days. However, if an initial bill exceeds 60 days, the customer shall be given the opportunity to amortize the amount over a period equal to the period covered by the initial bill without penalty.

(ii) A final bill due to discontinuance may be less than 26 days or greater than 35 days but may never exceed 42 days. In cases involving termination, a final bill may be less than 26 days.

(iii) Bills for less than 26 days or more than 35 days shall be permitted if they result from a rebilling initiated by the company or customer dispute to correct a billing problem.

(iv) Bills for less than 26 days or more than 35 days shall be permitted if they result from a meter reading route change initiated by the **public** utility. The **public** utility shall informally contact the Director of the Bureau of Consumer Services at least 30 days prior to the rerouting and provide information as to when the billing will occur, the number of customers affected and a general description of the geographic area involved. If a bill resulting from a meter rerouting exceeds 60 days, the customer shall be given the opportunity to amortize the amount over a period equal to the period covered by the bill without penalty.

(v) **Bills for less than 26 days shall be permitted in instances when there is a change of the customer's electric generation supplier.**

*Billing period—*In the case of utilities supplying gas, electric and steam heating service, the billing period must conform to the definition of "billing month." In the case of water and wastewater service, a billing period may be monthly, bimonthly or quarterly as provided in the tariff of the **public** utility. Customers shall be permitted to receive bills monthly and be notified of their rights thereto.

*Customer—*A person at least 18 years of age in whose name a residential service account is listed and who is primarily responsible for payment of bills rendered for the service.

*Customer assistance program—*A plan or program sponsored by a **public** utility for the purpose of providing universal service and energy conservation, as defined in 66 Pa.C.S. § 2202 or § 2803 (relating to definitions), in which customers make monthly payments based on household income and household size and under which customers shall comply with certain responsibilities and restrictions to remain eligible for the program.

*Cycle billing—*A system of billing employed by a **public** utility which results in the normal rendition of bills for **public** utility service to a group or portion of customers on different or specified days of one billing period.

*Default service—*Electric generation supply service provided under a default service program to a retail electric customer not receiving service from an electric generation supplier.

*Delinquent account—*Charges for **public** utility service which have not been paid in full by the due date stated on the bill or otherwise agreed upon; provided that an account may not be deemed delinquent if: prior to the due date, a payment agreement with the **public** utility has been entered into by the customer, a timely filed notice of

dispute is pending before the **public** utility or, under time limits provided in this chapter, an informal or formal complaint is timely filed with and is pending before the Commission.

*Discontinuance of service*—The cessation of service with the consent of the customer and otherwise in accordance with § 56.312 (relating to discontinuance of service).

*Dispute*—A grievance of an applicant, customer or occupant about a **public** utility’s application of a provision covered by this chapter, including, but not limited to, subjects such as credit determinations, deposit requirements, the accuracy of meter readings or bill amounts or the proper party to be charged. If, at the conclusion of an initial contact or, when applicable, a follow-up response, the applicant, customer or occupant indicates satisfaction with the resulting resolution or explanation of the subject of the grievance, the contact will not be considered a dispute.

*Dwelling*—A house, apartment, mobile home or single meter multiunit structure being supplied with residential service.

*Electronic billing*—The electronic delivery and presentation of bills and related information sent by a **public** utility to its customers using a system administered by the **public** utility or a system the **public** utility is responsible for maintaining.

*Electronic notification of payment*—A notification generated by an electronic payment system upon receipt of a payment from a customer using an electronic billing and payment system administered by the **public** utility or a system the **public** utility is responsible for maintaining. The notification must inform the customer of successful receipt and amount of payment and the date and time the payment was received.

*Electronic remittance of payment*—The electronic receipt of payment from customers to a **public** utility using a system administered by a **public** utility or a system the **public** utility is responsible for maintaining.

\* \* \* \* \*

*Initial inquiry*—A concern or question of an applicant, customer or occupant about a **public** utility’s application of a provision covered by this chapter, including, but not limited to, subjects such as credit determinations, deposit requirements, the accuracy of meter readings or bill amounts or the proper party to be charged. If a **public** utility, with the consent of the applicant, customer or occupant, offers to review pertinent records and call back the applicant, customer or occupant within 3 business days with a response, the contact will be considered an initial inquiry pending a determination of satisfaction by the applicant, customer or occupant with the company’s response. If the company cannot reach the customer to convey the information obtained through a review of company records, a letter shall be sent which summarizes the information and informs the customer to contact the company within 5 business days if the customer disagrees with the company position, or has additional questions or concerns about the matter.

\* \* \* \* \*

*Nonbasic services*—Optional recurring services which are distinctly separate and clearly not required for the physical delivery of **public** utility service or default service.

*Nurse practitioner*—A registered nurse licensed in this Commonwealth who is certified by the State Board of

Nursing in a particular clinical specialty area and who, while functioning in the expanded role as a professional nurse, performs acts of medical diagnosis or prescription of medical therapeutic or corrective measures in collaboration with and under the direction of a physician licensed to practice medicine in this Commonwealth.

*Occupant*—A natural person who resides in the premises to which **public** utility service is provided.

*Payment agreement*—A mutually satisfactory written agreement whereby a customer or applicant who admits liability for billed service is permitted to amortize or pay the unpaid balance of the account in one or more payments over a reasonable period of time.

*Person*—An individual, partnership, corporation, association, including any lessee, assignee, trustee, receiver, executor, administrator and other successors in interest.

*Physician*—An individual licensed to engage in the practice of medicine and surgery in all of its branches or in the practice of osteopathy or osteopathic surgery by a jurisdiction within the United States of America.

**Physician assistant**—An individual licensed by the State Board of Medicine in this Commonwealth who provides any medical service, as directed by the supervising physician licensed to practice medicine in this Commonwealth, when the service is within the physician assistant’s skills, training and experience, forms a component of the physician’s scope of practice, is included in the written agreement and is provided with the amount of supervision in keeping with the accepted standards of medical practice. See 49 Pa. Code § 18.151(b) (relating to role of physician assistant)

*Premises or affected premises*—Unless otherwise indicated, the residence of the occupant.

**Public utility**—An electric distribution utility, natural gas distribution utility, small natural gas distribution utility, steam heat utility, wastewater utility or water distribution utility in this Commonwealth that is within the jurisdiction of the Commission.

*Remote reading device*—

(i) A device which by electrical impulse or otherwise transmits readings from a meter, usually located within a residence, to a more accessible location outside of a residence.

(ii) The term does not include the following:

(A) AMR devices as defined in this section.

(B) Devices that permit direct interrogation of the meter.

*Residential service*—

(i) [ **Utility** ] **Public utility** service supplied to a dwelling, including service provided to a commercial establishment if concurrent service is provided to a residential dwelling attached thereto.

(ii) The term does not include **public** utility service provided to a hotel or motel.

**Small natural gas distribution utility**—A public utility providing natural gas distribution services subject to the jurisdiction of the Commission that:

(i) Has annual gas operating revenues of less than \$6 million per year.

(ii) **Is not connected to an interstate gas pipeline by means of a direct connection or any indirect connection through the distribution system of another natural gas public utility or through a natural gas gathering system.**

**Steam heat utility**—An entity producing, generating, distributing or furnishing steam for the production of heat or to or for the public for compensation.

*Termination of service*—Cessation of service, whether temporary or permanent, without the consent of the ratepayer.

*Unauthorized use of public utility service*—Unreasonable interference or diversion of service, including meter tampering (any act which affects the proper registration of service through a meter), by-passing (unmetered service that flows through a device connected between a service line and customer-owned facilities) and unauthorized service restoral.

*User without contract*—A person as defined in 66 Pa.C.S. § 102 (relating to definitions) that takes or accepts public utility service without the knowledge or approval of the public utility, other than the unauthorized use of public utility service as defined in this section.

[ *Utility*—

(i) **A public utility or a municipality, subject to Commission jurisdiction, which provides wastewater services or steam heating services.**

(ii) **The term also includes natural gas distribution utilities with annual gas operating revenues of less than \$6 million per year, except when the public utility seeks to provide natural gas supply services to retail gas customers outside its service territory as provided under 66 Pa.C.S. § 1403 (relating to definitions). ]**

*Wastewater utility*—

(i) **An entity owning or operating equipment or facilities for the collection, treatment or disposal of sewage to or for the public for compensation.**

(ii) **The term includes separate companies that individually provide water or wastewater service so long as the separate companies are wholly owned by a common parent company.**

**Subchapter M. BILLING AND PAYMENT  
STANDARDS  
GENERAL**

**§ 56.261. Billing frequency.**

(a) A public utility shall render a bill once every billing period to every residential customer in accordance with approved rate schedules.

(b) A public utility may utilize electronic billing in lieu of mailed paper bills. Electronic billing programs must include the following:

(1) The electronic billing option is voluntary and only with the prior consent of the customer. The customer retains the right to revert to conventional paper billings upon request. The customer shall provide the public utility with a one billing cycle notice of a request to revert to paper billing.

(2) A customer shall receive the same information that is included with a paper bill issued by the public utility.

(3) The electronic bill must include the same disclosures and educational messages that are required for paper bills. The electronic transmission of termination notices may not be permitted unless the customer has affirmatively consented to this method of delivery. The electronic delivery of a termination notice does not relieve the public utility of the obligation to provide termination notices as required under §§ 56.331—56.338.

(4) The electronic bill must include all required bill inserts in an easily accessed and easily readable format.

(5) The electronic bill must include the option for the customer to contribute to the public utility’s hardship fund if the public utility is able to accept hardship fund contributions by this method.

(6) A customer may not be required to pay an additional fee to receive an electronic bill.

(7) The public utility shall maintain a system to deliver electronic bills if the bill is emailed to a customer.

(8) The public utility shall employ all reasonable measures to protect customer information from unauthorized disclosure and prevent access to customer account records by persons who are not properly authorized to have access.

**§ 56.262. Meter reading; estimated billing; customer readings.**

Except as provided in this section, a public utility shall render bills based on actual meter readings by public utility company personnel.

(1) *Inapplicability to seasonally billed customers.* This section does not apply to customers billed on a seasonal basis under terms included in the tariff of the public utility.

(2) *Estimates for bills rendered on a monthly basis.* If a public utility bills on a monthly basis, it may estimate usage of service every other billing month, so long as the public utility provides a customer with the opportunity to read the meter and report the quantity of usage in lieu of the estimated bill. The resulting bills must be based on the information provided, except for an account when it is apparent that the information is erroneous.

(i) Upon the request of the customer, the public utility shall, at least annually, provide preaddressed postcards on which the customer may report the reading. The public utility shall provide additional preaddressed postcards on request. The public utility may choose to make available electronic and telephonic methods for customers to report meter reading information.

(ii) The public utility may establish due dates by which the customer supplied reading shall be received for a bill to be based upon the meter reading of the customer or occupant. If the reading of a customer or occupant is not received by that due date, the public utility may estimate the quantity of usage. The public utility may establish due dates for submitting a meter reading when the customer or occupant utilizes an electronic method for reporting meter readings.

(3) *Estimates permitted under exigent circumstances.* A public utility may estimate the bill of a customer if extreme weather conditions, emergencies, equipment failure, work stoppages or other circumstances prevent actual meter reading.

(4) *Estimates when public utility personnel are unable to gain access.* A public utility may estimate the bill of a

customer if **public** utility personnel are unable to gain access to obtain an actual meter reading, as long as the following apply:

(i) The **public** utility has undertaken reasonable alternative measures to obtain a meter reading, including, but not limited to, the provision of preaddressed postcards upon which the customer may report the reading or the telephone reporting of the reading.

(ii) The **public** utility, at least every 6 months, or every four billing periods for utilities permitted to bill for periods in excess of 1 month, obtains an actual meter reading or customer supplied reading to verify the accuracy of the estimated readings.

(iii) The **public** utility, at least once every 12 months, obtains an actual meter reading to verify the accuracy of the readings, either estimated or customer read.

(5) *Remote reading devices for water, gas and electric utilities.* A **public** utility may render a bill on the basis of readings from a remote reading device under the following conditions:

(i) When a gas, electric or water **public** utility uses readings from a remote reading device to render bills, the **public** utility shall obtain an actual meter reading at least once every 5 years to verify the accuracy of the remote reading device. If the customer of record at the dwelling changes during the 5-year period between actual meter readings, the **public** utility shall make a bona fide attempt to schedule an appointment with the departing customer and, if necessary, the new occupant, to secure an actual meter reading.

(ii) When the actual meter reading establishes that the customer was underbilled due to an error in the registration of the remote reading device, the **public** utility may render a bill for the uncollected amount. If the rebilling exceeds the otherwise normal estimated bill for the billing period during which the bill is issued by at least 50% or at least \$50, whichever is greater, the **public** utility shall comply with § 56.264 (relating to previously unbilled **public** utility service).

(iii) When the actual meter reading establishes that the customer was overbilled due to an error in the readings of the remote reading device, the **public** utility shall credit or refund to the customer the amount overbilled plus interest calculated under § 56.411(3) (relating to duties of parties: disputing party's duty to pay undisputed portion of bills; **public** utility's duty to pay interest whenever overpayment found).

(iv) Nothing in this section may be construed to limit the authority of electric, gas or water **public** utilities to gain access to a residence for the purpose of checking or reading a meter.

**(6) Verification of automatic meter reading.** Upon a customer request, the public utility shall secure an in-person meter reading to confirm the accuracy of an automatic meter reading device when a customer disconnects service or a new service request is received. A public utility may charge a fee as provided in a Commission-approved tariff.

[ (6) ] (7) *Limitation of liability.* If a water utility has estimated bills and if the customer or occupant during that period has consumed an amount of water in excess of normal seasonal usage because of a verified leak that could not reasonably have been detected or other unknown loss of water, the customer is not liable for more than 150% of the average amount of water consumed for the corresponding period during the previous year. This

section does not apply when the water utility was unable to gain access and has complied with paragraph (4).

[ (7) ] (8) *Budget billing.* A gas, electric and steam heating utility shall provide its residential customers, on a year-round rolling enrollment basis, with an optional billing procedure which averages estimated **public** utility service costs over a 10-month, 11-month or 12-month period to eliminate, to the extent possible, seasonal fluctuations in **public** utility bills. The **public** utility shall review accounts at least three times during the optional billing period. At the conclusion of the budget billing year, a resulting reconciliation amount exceeding \$100 but less than \$300 shall be, at the request of the customer, amortized over a 6-month period. Reconciliation amounts exceeding \$300 shall be amortized over at least a 12-month period at the request of the customer. Shorter amortization periods are permissible at the request of the customer.

[ (8) ] (9) *Notice.* The **public** utility shall inform existing customers of their rights under this section and under 66 Pa.C.S. § 1509 (relating to billing procedures).

§ 56.264. Previously unbilled **public** utility service.

When a **public** utility renders a make-up bill for previously unbilled **public** utility service which accrued within the past 4 years resulting from **public** utility billing error, meter failure, leakage that could not reasonably have been detected or loss of service, or four or more consecutive estimated bills and the make-up bill exceeds the otherwise normal estimated bill for the billing period during which the make-up bill is issued by at least 50% or at least \$50, whichever is greater:

(1) The **public** utility shall explain the bill to the customer and make a reasonable attempt to amortize the bill.

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**§ 56.265. Billing information.**

A bill rendered by a **public** utility for metered residential **public** utility service must state clearly the following information:

\* \* \* \* \*

(11) A statement directing the customer to "register any question or complaint about the bill prior to the due date," with the address and telephone number where the customer may initiate the inquiry or complaint with the **public** utility.

(12) A statement that a rate schedule, an explanation of how to verify the accuracy of a bill and an explanation, in plain language, of the various charges, if applicable, is available for inspection in the local business office of the **public** utility and on the **public** utility's web site.

(13) A designation of the applicable rate schedule as denoted in the officially filed tariff of the **public** utility.

(14) Utilities shall incorporate the requirements in §§ 54.4 and 62.74 (relating to bill format for residential and small business customers).

**§ 56.266. Transfer of accounts.**

(a) A customer who is about to vacate premises supplied with **public** utility service or who wishes to have service discontinued shall give at least 7 days notice to the **public** utility and a noncustomer occupant, specifying the date on which it is desired that service be discontinued. In the absence of a notice, the customer shall be responsible for services rendered. If the **public** utility is



not, after a reasonable attempt to obtain meter access, able to access the meter for discontinuance, service shall be discontinued with an estimated meter reading upon which the final bill will be based. The resulting final bill is subject to adjustment once the **public** utility has obtained an actual meter reading.

(b) In the event of discontinuance or termination of service at a residence or dwelling in accordance with this chapter, a **public** utility may transfer an unpaid balance to a new residential service account of the same customer.

(c) If a termination notice has been issued in accordance with § 56.331 (relating to general notice provisions and contents of termination notice) and subsequent to the mailing or delivery of that notice, the customer requests a transfer of service to a new location, the termination process in §§ 56.331—56.339 may continue at the new location.

(1) When notifications set forth under § 56.331 and § 56.335 (relating to deferred termination when no prior contact) have been rendered and service has not been terminated due to a denial of access to the premises, the **public** utility may deny service at a new location when a service transfer is requested.

(2) Nothing in this section shall be construed to limit the right of a customer to dispute a bill within the meaning of §§ 56.372—56.374 (relating to dispute procedures; time for filing an informal complaint; and effect of failure to timely file an informal complaint).

**§ 56.267. Advance payments.**

Payments may be required in advance of furnishing any of the following services:

- (1) Seasonal service.
- (2) The construction of facilities and furnishing of special equipment.
- (3) Gas and electric rendered through prepayment meters provided:

(i) The customer is nonlow income. For purposes of this section, “nonlow income” is defined as an individual who has an annual household gross income greater than 150% of the Federal poverty income guidelines and has a delinquency for which the individual is requesting a payment agreement but offering terms that the **public** utility, after consideration of the factors in § 56.337(b) (relating to procedures upon customer or occupant contact prior to termination), finds unacceptable.

(ii) The service is being rendered to an individually-metered residential dwelling, and the customer and occupants are the only individuals affected by the installation of a prepayment meter.

(iii) The customer and **public** utility enter into a payment agreement which includes, but is not limited to, the following terms:

(A) The customer voluntarily agrees to the installation of a prepayment meter.

(B) The customer agrees to purchase prepayment credits to maintain service until the total balance is retired and the **public** utility agrees to make new credits available to the customer within 5 days of receipt of prepayment.

(C) The **public** utility agrees to furnish the customer with emergency backup credits for additional usage of at least 5 days.

(D) The customer agrees that failure to renew the credits by making prepayment for additional service constitutes a request for discontinuance under § 56.312(1) (relating to discontinuance of service), except during a medical emergency, and that discontinuance will occur when the additional usage on the emergency backup credits runs out.

(iv) The **public** utility develops a written plan for a prepayment meter program, consistent with the criteria established in this section, and submits the plan to the Commission at least 30 days in advance of the effective date of the program.

(v) During the first 2 years of use of prepayment meters, the **public** utility thoroughly and objectively evaluates the use of prepayment meters in accordance with the following:

(A) *Content.* The evaluation should include both process and impact components. Process evaluation should focus on whether the use of prepayment meters conforms to the program design and should assess the degree to which the program operates efficiently. The impact evaluation should focus on the degree to which the program achieves the continuation of **public** utility service to participants at reasonable cost levels. The evaluation should include an analysis of the costs and benefits of traditional collections or alternative collections versus the costs and benefits of handling nonlow income positive ability to pay customers through prepayment metering. This analysis should include comparisons of customer payment behavior, energy consumption, administrative costs and actual collection costs.

\* \* \* \* \*

**PAYMENTS**

**§ 56.271. Payment.**

The due date for payment of a bill may not be less than 20 days from the date of transmittal; that is, the date of mailing, electronic transmission or physical delivery of the bill by the **public** utility to the customer.

(1) *Extension of due date to next business day.* If the last day for payment falls on a Saturday, Sunday, bank holiday or other day when the offices of the **public** utility which regularly receive payments are not open to the general public, the due date shall be extended to the next business day.

(2) *Date of payment by mail.* For a remittance by mail, one or more of the following applies:

(i) Payment shall be deemed to have been made on the date of the postmark.

(ii) The **public** utility may not impose a late payment charge unless payment is received more than 5 days after the due date.

(3) *Branch offices or authorized payment agents.* The effective date of payment to a branch office or authorized payment agent, unless payment is made by mail under paragraph (2), is the date of actual receipt of payment at that location.

(4) *Electronic transmission.* The effective date of a payment electronically transmitted to a **public** utility is the date of actual receipt of payment.

(5) *Fees.* Fees or charges assessed and collected by the **public** utility for utilizing a payment option must be included in the **public** utility’s tariff on file at the Commission.

(6) *Multiple notifications.* When a **public** utility advises a customer of a balance owed by multiple notices or contacts which contain different due dates, the date on or before which payment is due shall be the latest due date contained in any of the notices.

§ 56.272. **Accrual of late payment charges.**

(a) Every **public** utility subject to this chapter is prohibited from levying or assessing a late charge or penalty on any overdue **public** utility bill, as defined in § 56.271 (relating to payment), in an amount which exceeds 1.5% interest per month on the overdue balance of the bill. These charges are to be calculated on the overdue portions of the bill only. The interest rate, when annualized, may not exceed 18% simple interest per annum.

(b) An additional charge or fixed fee designed to recover the cost of a subsequent rebilling may not be charged by a regulated **public** utility.

(c) Late payment charges may not be imposed on disputed estimated bills, unless the estimated bill was required because **public** utility personnel were willfully denied access to the affected premises to obtain an actual meter reading.

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

§ 56.273. **Application of partial payments between public utility and other service.**

Payments received by a **public** utility without written instructions that they be applied to merchandise, appliances, special services, meter testing fees or other nonbasic charges and which are insufficient to pay the balance due for the items plus amounts billed for basic **public** utility service shall first be applied to the basic charges for residential **public** utility service.

§ 56.274. **Application of partial payments among several bills for public utility service.**

In the absence of written instructions, a disputed bill or a payment agreement, payments received by a **public** utility which are insufficient to pay a balance due both for prior service and for service billed during the current billing period shall first be applied to the balance due for prior service.

§ 56.275. **Electronic bill payment.**

A **public** utility may offer electronic payment options. Electronic payment programs must include the following requirements:

(1) Electronic bill payment shall be voluntary. A **public** utility may not require a customer to enroll in electronic bill payment as a condition for enrolling in electronic billing.

(2) For electronic bill payment through a charge to a customer's credit card or automatic withdrawal from a customer's financial account, the program must set forth the date (or number of days after issuance of the bill) when the automatic payment shall be made.

(3) The terms of the payment procedures shall be fully disclosed to the customer in writing, either by mail or electronically, before the customer enters the program. Program changes shall be conveyed to the customer in writing, either by mail or electronically, and the customer shall be given an opportunity to withdraw from the program if the customer does not wish to continue under the new terms.

(4) The **public** utility shall provide a receipt, or a confirmation, transaction or reference number, either electronically or on paper, to the customer upon payment through the electronic method. This requirement does not apply if the payment method is through a preauthorized automated debit from a customer's financial account.

(5) The **public** utility shall employ all reasonable measures to protect customer information from unauthorized disclosure and prevent access to customer account records by persons who are not properly authorized to have access.

**Subchapter N. CREDIT AND DEPOSITS STANDARDS POLICY**

**PROCEDURES FOR APPLICANTS**

§ 56.281. **Policy statement.**

An essential ingredient of the credit and deposit policies of each **public** utility shall be the equitable and nondiscriminatory application of those precepts to potential and actual customers throughout the service area without regard to the economic character of the area or any part thereof. Deposit policies must be based upon the credit risk of the individual applicant or customer rather than the credit history of the affected premises or the collective credit reputation or experience in the area in which the applicant or customer lives and without regard to race, sex, age over 18 years of age, National origin or marital status.

§ 56.282. **Credit standards.**

A **public** utility shall provide residential service without requiring a deposit when the applicant satisfies one of the following requirements:

(1) *Prior public utility payment history.* The applicant has been a recipient of **public** utility service of a similar type within a period of 24 consecutive months preceding the date of the application and was primarily responsible for payment for the service, so long as:

(i) The average periodic bill for the service was equal to at least 50% of that estimated for new service.

(ii) The service of the applicant was not terminated for nonpayment during the last 12 consecutive months of that prior service.

(iii) The applicant does not have an unpaid balance from that prior service.

(2) *Ownership of real property.* The applicant owns or has entered into an agreement to purchase real property located in the area served by the **public** utility or is renting the applicant's place of residence under a lease of 1 year or longer in duration, unless the applicant has an otherwise unsatisfactory credit history as a **public** utility customer within 2 years prior to the application for service.

(3) *Credit information.* The applicant provides information demonstrating that the applicant is not an unsatisfactory credit risk.

(i) The absence of prior credit history does not, of itself, indicate an unsatisfactory risk.

(ii) The **public** utility may request and consider information including:

\* \* \* \* \*

(F) Significant source of income other than from employment.

**(4) Cash deposit prohibition. A public utility may not require an applicant that is confirmed to be eligible for a customer assistance program to provide a cash deposit.**

**§ 56.283. Cash deposits; third-party guarantors.**

If an applicant does not establish credit under § 56.282 (relating to credit standards), the **public** utility shall provide residential service when one of the following requirements is satisfied:

\* \* \* \* \*

**§ 56.285. Payment of outstanding balance.**

A **public** utility may require, as a condition of the furnishing of residential service to an applicant, the payment of any outstanding residential account with the **public** utility which accrued within the past 4 years from the date of the service request for which the applicant is legally responsible and for which the applicant was billed properly. The 4-year limit does not apply if the balance includes amounts that the **public** utility was not aware of because of fraud or theft on the part of the applicant. An outstanding residential account with the **public** utility may be amortized over a reasonable period of time. Factors to be taken into account include the size of the unpaid balance, the ability of the applicant to pay, the payment history of the applicant and the length of time over which the bill accumulated. A **public** utility may not require, as a condition of the furnishing of residential service, payment for residential service previously furnished under an account in the name of a person other than the applicant unless a court, district justice or administrative agency has determined that the applicant is legally obligated to pay for the service previously furnished. Examples of situations include a separated spouse or a cotenant. This section does not affect the creditor rights and remedies of a **public** utility otherwise permitted by law.

**§ 56.286. Written procedures.**

A **public** utility shall establish written procedures for determining the credit status of an applicant. A **public** utility employee processing applications or determining the credit status of applicants shall be supplied with or have ready access to a copy of the written procedures of the **public** utility. **The written procedures must specify that there are separate procedures and standards for victims with a protection from abuse order or a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence. The procedures must also specify that any applicant that is confirmed to be eligible for a customer assistance program is not required to pay a deposit.** A copy of these procedures shall be maintained on file in each of the business offices of the **public** utility and made available, upon request, for inspection by members of the public and the Commission and be included on the **public** utility's web site.

(1) *Reasons for denial of credit.* If credit is denied, the **public** utility shall inform the applicant in writing of the reasons for the denial within 3 business days of the denial. This information may be provided electronically to the applicant with the applicant's consent. If the **public** utility is requiring payment of an unpaid balance in accordance with § 56.285 (relating to payment of outstanding balance), the **public** utility shall specify in

writing the amount of the unpaid balance, the dates during which the balance accrued, and the location and customer name at which the balance accrued. The statement must inform the applicant of the right to furnish a third-party guarantor in accordance with § 56.283 (relating to cash deposits; third-party guarantors) and the right to contact the Commission. The statement must include information informing victims of domestic violence with a protection from abuse order **or a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence** that more lenient credit and liability standards may be available. **The statement must also inform the applicant that if he is confirmed to be eligible for a customer assistance program, a deposit is not required.**

(2) *Informing applicants of procedures.* [ Utility ] **Public** utility personnel shall fully explain the credit and deposit procedures of the **public** utility to each customer or applicant for service.

(3) *Third-party requests for service.* Requests from third parties to establish **public** utility service on behalf of an applicant will not be honored until the **public** utility has verified the legitimacy of the request. Verification may be accomplished by any means appropriate to confirm that the applicant consents to service being established or that the third-party is authorized to act on the applicant's behalf.

**§ 56.287. General rule.**

Once an applicant's application for service is accepted by the **public** utility, the **public** utility shall make a bona fide attempt to provide service within 3 business days, provided that the applicant has met all regulatory requirements. A longer time frame is permissible with the consent of the applicant. If the investigation and determination of credit status is expected to take or in fact takes longer than 3 business days commencing the date after the application is made, the **public** utility shall provide service pending completion of the investigation. If the **public** utility cannot provide service by the time frames specified in this section, the **public** utility shall inform the customer of this fact and provide a reasonable estimate of when service will be provided. These requirements do not apply to new service installations and service extensions that require construction of facilities to provide the **public** utility service.

**§ 56.288. Payment period for deposits by applicants.**

An applicant may elect to pay any required deposits in three installments: 50% payable upon the determination by the **public** utility that the deposit is required, 25% payable 30 days after the determination and 25% payable 60 days after the determination.

**PROCEDURES FOR EXISTING CUSTOMERS**

**§ 56.291. General rule.**

A **public** utility may require an existing customer to post a deposit to reestablish credit under the following circumstances:

(1) *Delinquent accounts.* Whenever a customer has been delinquent in the payment of any two consecutive bills or three or more bills within the preceding 12 months.

(i) Prior to requesting a deposit under this section, the **public** utility shall give the customer written notification

of its intent to request a cash deposit if current and future bills continue to be paid after the due date.

(A) Notification must clearly indicate that a deposit is not required at this time but that if bills continue to be paid after the due date a deposit will be required.

(B) Notification may be mailed or delivered to the customer together with a bill for **public** utility service.

(C) Notification must set forth the address and phone number of the **public** utility office where complaints or questions may be registered.

(D) A subsequent request for deposit must clearly indicate that a customer should register any question or complaint about that matter prior to the date the deposit is due to avoid having service terminated pending resolution of a dispute. The request must also include the address and telephone number of the **public** utility office where questions or complaints may be registered.

(ii) Except in the case of adjustments to budget billing plans, a **public** utility may issue a notification or subsequent request for a deposit based, in whole or in part, on a delinquent account arising out of a make-up bill as defined in § 56.264 (relating to previously unbilled **public** utility service), under the following conditions:

(A) The **public** utility has complied with § 56.264. Compliance with a payment agreement by the customer discharges the delinquency and a notification or request for deposit may not thereafter be issued based on the make-up bill.

(B) If a make-up bill exceeds the otherwise normal estimated bill by at least 50% and if the customer makes payment in full after the bill is delinquent but before a notification of intent to request a deposit is given to the customer, a notification or request for deposit may not thereafter be issued based on the make-up bill.

(2) *Condition to the reconnection of service.* A **public** utility may require a deposit as a condition to reconnection of service following a termination.

(3) *Failure to comply with payment agreement.* A **public** utility may require a deposit, whether or not service has been terminated, when a customer fails to comply with a material term or condition of a payment agreement.

**(4) Cash deposit prohibition. A public utility may not require a customer or an applicant that is confirmed to be eligible for a customer assistance program to provide a cash deposit.**

#### § 56.292. Payment period for deposits by customers.

The due date for payment of a deposit other than a deposit required as a condition for the reconnection of service under § 56.291(2) (relating to general rule) may not be less than 21 days from the date of mailing or service on the customer of notification of the amount due. A customer may elect to pay a required deposit in three installments: 50% payable upon the determination by the **public** utility that the deposit is required, 25% payable 30 days after the determination and 25% payable 60 days after the determination. A **public** utility shall advise [ **an applicant** ] a customer of the option to pay the requested security deposit in installments at the time the deposit is requested.

### CASH DEPOSITS

#### § 56.301. Amount of cash deposit.

(a) *Applicants.* A **public** utility may not require a cash deposit from an applicant in excess of the average

estimated bill of the applicant for a period equal to one billing period plus 1 additional month's service, not to exceed 4 months in the case of water and wastewater utilities and 2 months in the case of gas, electric and steam heat utilities, with a minimum deposit of \$5.

(b) *Existing customer.* For an existing customer, the cash deposit may not exceed the estimated charges for service based on the prior consumption of that customer for the class of service involved for a period equal to one average billing period plus 1 average month, not to exceed 4 months in the case of wastewater utilities and 2 months in the case of gas and steam heat utilities, with a minimum of \$5.

(c) *Adjustment of deposits.* The amount of a cash deposit may be adjusted at the request of the customer or the **public** utility whenever the character or degree of the usage of the customer has materially changed or when it is clearly established that the character or degree of service will materially change in the immediate future.

#### § 56.302. Deposit hold period and refund.

A cash deposit shall be refunded under the following conditions:

(1) *Termination or discontinuance of service.* Upon termination or discontinuance of service, the **public** utility shall promptly apply the deposit of the customer, including accrued interest, to any outstanding balance for **public** utility service and refund or apply the remainder to the customer's account. A transfer of service from one location to another within a service area may not be deemed discontinuance within the meaning of this chapter.

(2) *Credit established.* When a customer establishes credit under § 56.282 (relating to credit standards), the **public** utility shall refund or apply to the customer's account, any cash deposit plus accrued interest.

(3) *Third-party guarantor.* When a customer substitutes a third-party guarantor in accordance with § 56.283(2) (relating to cash deposits; third-party guarantors), the **public** utility shall refund any cash deposit, plus accrued interest, up to the limits of the guarantee.

(4) *Prompt payment of bills.* After a customer has paid bills for service for 12 consecutive months without having service terminated and without having paid a bill subsequent to the due date or other permissible period as stated in this chapter on more than two occasions or for a maximum period of 24 months, the **public** utility shall refund any cash deposit, plus accrued interest.

(5) *Optional refund.* At the option of the **public** utility, a cash deposit, including accrued interest, may be refunded in whole or in part, at any time earlier than the time stated in this section.

#### § 56.303. Application of deposit to bills.

The customer may elect to have a deposit applied to reduce bills for **public** utility service or to receive a cash refund.

#### § 56.304. Periodic review.

If a customer is not entitled to refund under § 56.302 (relating to deposit hold period and refund), the **public** utility shall review the account of the customer each succeeding billing period and make appropriate disposition of the deposit in accordance with § 56.302 and § 56.303 (relating to application of deposit to bills).

#### § 56.305. Refund statement.

If a cash deposit is applied or refunded, the **public** utility shall mail or deliver to the customer a written

statement showing the amount of the original deposit plus accrued interest, the application of the deposit to a bill which had previously accrued, the amount of unpaid bills liquidated by the deposit and the remaining balance.

**§ 56.306. Interest rate.**

The **public** utility shall accrue interest on the deposit until it is returned or credited [ **the legal rate of interest under section 202 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 202), known as the Loan Interest and Protection Law, and return the interest with the deposit. § 56.307** ].

(1) **Interest shall be computed at the simple annual interest rate determined by the Secretary of Revenue for interest on the underpayment of tax under section 806 of The Fiscal Code (72 P.S. § 806).**

(2) **The interest rate in effect when deposit is required to be paid shall remain in effect until the date the deposit is refunded or credited, or December 31, whichever is later.**

(3) **On January 1 of each year, the new interest rate for that year will apply to the deposit.**

**Subchapter O. INTERRUPTION AND DISCONTINUANCE OF SERVICE**

**§ 56.311. Interruption of service.**

A **public** utility may temporarily interrupt service when necessary to effect repairs or maintenance; to eliminate an imminent threat to life, health, safety or substantial property damage; or for reasons of local, State or National emergency.

(1) *Interruption with prior notice.* When the **public** utility knows in advance of the circumstances requiring the service interruption, prior notice of the cause and expected duration of the interruption shall be given to customers and occupants who may be affected.

(2) *Interruption without prior notice.* When service is interrupted due to unforeseen circumstances, notice of the cause and expected duration of the interruption shall be given as soon as possible to customers and occupants who may be affected.

(3) *Notification procedures.* When customers and occupants are to be notified under this section, the **public** utility shall take reasonable steps, such as personal contact, phone contact and use of the mass media, to notify affected customers and occupants of the cause and expected duration of the interruption.

(4) *Permissible duration.* Service may be interrupted for only the periods of time necessary to protect the health and safety of the public, to protect property or to remedy the situation which necessitated the interruption. Service shall be resumed as soon as possible thereafter.

**§ 56.312. Discontinuance of service.**

A **public** utility may discontinue service without prior written notice under the following circumstances:

(1) *Customer's residence.* When a customer requests a discontinuance at the customer's residence, when the customer and members of the customer's household are the only occupants.

(2) *Other premises or dwellings.* Other premises or dwellings as follows:

(i) When a customer requests discontinuance at a dwelling other than the customer's residence or at a

single meter multifamily residence, whether or not the customer's residence but, in either case, only under either of the following conditions:

(A) The customer states in writing that the premises are unoccupied. The statement must be on a form conspicuously bearing notice that information provided by the customer will be relied upon by the Commission in administering a system of uniform service standards for utilities and that any false statements are punishable criminally. When the customer fails to provide a notice, or when the customer has falsely stated the premises are unoccupied, the customer shall be responsible for payment of **public** utility bills until the **public** utility discontinues service.

(B) The occupants affected by the proposed cessation inform the **public** utility orally or in writing of their consent to the discontinuance.

(ii) When the conditions in subparagraph (i) have not been met, the **public** utility, at least 10 days prior to the proposed discontinuance, shall conspicuously post notice of termination at the affected premises.

(A) When the premises is a multifamily residence, notice shall also be posted in common areas.

(B) Notices must, at a minimum, state: the date on or after which discontinuance will occur; the name and address of the **public** utility; and the requirements necessary for the occupant to obtain **public** utility service in the occupant's name. Further termination provisions of this chapter, except § 56.337 (relating to procedures upon customer or occupant contact prior to termination), do not apply in these circumstances.

(C) This section does not apply when the customer is a landlord ratepayer. See 66 Pa.C.S. §§ 1521—1533 (relating to discontinuance of service to leased premises).

**Subchapter P. TERMINATION OF SERVICE  
GROUNDS FOR TERMINATION**

**§ 56.321. Authorized termination of service.**

[ **Utility** ] **Public** utility service to a dwelling may be terminated for one or more of the following reasons:

(1) Nonpayment of an undisputed delinquent account.

(2) Failure to post a deposit, provide a guarantee or establish credit.

(3) Unreasonable refusal to permit access to meters, service connections and other property of the **public** utility for the purpose of maintenance, repair or meter reading.

(4) Unauthorized use of the **public** utility service delivered on or about the affected dwelling.

(5) Failure to comply with the material terms of a payment agreement.

(6) Fraud or material misrepresentation of identity for the purpose of obtaining **public** utility service.

(7) Tampering with meters or other **public** utility equipment.

(8) Violating tariff provisions on file with the Commission so as to endanger the safety of a person or the integrity of the energy delivery system of the **public** utility.

**§ 56.322. Timing of termination.**

Except in emergencies—which include unauthorized use of **public** utility service—service may not be terminated, for nonpayment of charges or for any other reason, during the following periods:

- (1) On Friday, Saturday or Sunday.
- (2) On a bank holiday or on the day preceding a bank holiday.
- (3) On a holiday observed by the **public** utility or on the day preceding the holiday. A holiday observed by a **public** utility means any day on which the business office of the **public** utility is closed to observe a legal holiday, to attend **public** utility meetings or functions or for any other reason.
- (4) On a holiday observed by the Commission or on the day preceding the holiday.

**§ 56.323. Unauthorized termination of service.**

Unless expressly and specifically authorized by the Commission, service may not be terminated nor will a termination notice be sent for any of the following reasons:

- (1) Nonpayment for concurrent service of the same class received at a separate dwelling. This does not include concurrent service periods of 90 days or less accrued during the transfer of service from one location to another.
- (2) Nonpayment for a different class of service received at the same or a different location. Service may be terminated, however, when, under the tariff of the **public** utility, a change in classification is necessitated upon the completion of construction work previously billed at a different rate applicable during construction.
- (3) Nonpayment, in whole or in part of nonbasic charges for leased or purchased merchandise, appliances or special services including, but not limited to, merchandise and appliance installation fees, rental and repair costs; meter testing fees; special construction charges; and other nonrecurring or recurring charges that are not essential to delivery or metering of service, except as provided in this chapter.
- (4) Nonpayment of bills for delinquent accounts of the prior customer at the same address.
- (5) Nonpayment of a deposit which is based, in whole or in part, on a delinquent account arising out of a make-up bill as defined in § 56.264 (relating to previously unbilled **public** utility service) and the customer has complied with § 56.291(1)(ii)(A) or (B) (relating to general rule).
- (6) Noncompliance with a payment agreement prior to the due date of the bill which forms the basis of the agreement.
- (7) Nonpayment of charges for **public** utility service for which the **public** utility ceased billing more than 4 years prior to the date the bill is rendered.
- (8) Nonpayment for residential service already furnished in the names of persons other than the customer unless a court, district justice or administrative agency has determined that the customer is legally obligated to pay for the service previously furnished. This paragraph does not affect the creditor rights and remedies of a **public** utility otherwise permitted by law.
- (9) Nonpayment of charges calculated on the basis of estimated billings, unless the estimated bill was required because **public** utility personnel were unable to gain access to the affected premises to obtain an actual meter reading on two occasions and have made a reasonable effort to schedule a meter reading at a time convenient to the customer or occupant, or a subsequent actual reading

has been obtained as a verification of the estimate prior to the initiation of termination procedures.

(10) Nonpayment of delinquent accounts which accrued over two billing periods or more, which remain unpaid in whole or in part for 6 months or less, and which amount to a total delinquency of less than \$25.

(11) Nonpayment of delinquent accounts when the amount of the deposit presently held by the **public** utility is within \$25 of account balance.

**NOTICE PROCEDURES PRIOR TO TERMINATION**  
**§ 56.331. General notice provisions and contents of termination notice.**

(a) Prior to a termination of service, the **public** utility shall mail or deliver written notice to the customer at least 10 days prior to the date of the proposed termination. In the event of a user without contract as defined in § 56.252 (relating to definitions), the **public** utility shall comply with §§ 56.333—56.337, but does not need to provide notice 10 days prior to termination.

(b) A notice of termination must include, in conspicuous print, clearly and fully the following information when applicable:

- (1) The reason for the proposed termination.
- (2) An itemized statement of amounts currently due, including any required deposit.
- (3) A statement that a reconnection fee will be required to have service restored after it has been terminated if a reconnection fee is a part of the tariff of the **public** utility on file with the Commission. The statement must include the maximum possible dollar amount of the reconnection fee that may apply.
- (4) The date on or after which service will be terminated unless one of the following occurs:
  - (i) Payment in full is received.
  - (ii) The grounds for termination are otherwise eliminated.
  - (iii) A payment agreement is established.
  - (iv) Enrollment is made in a customer assistance program or its equivalent, if the customer is eligible for the program.
  - (v) A dispute is filed with the **public** utility or the Commission.
  - (vi) Payment in full of amounts past due on the most recent payment agreement is received.

(5) A statement that the customer should immediately contact the **public** utility to attempt to resolve the matter. The statement must include the address and telephone number where questions may be asked, how payment agreements may be negotiated and entered into with the **public** utility, and where applications can be found and submitted for enrollment into the **public** utility's universal service programs, if these programs are offered by the **public** utility.

(6) The following statement: "If you have questions or need more information, contact us as soon as possible at (**public** utility phone number). After you talk to us, if you are not satisfied, you may file a complaint with the Public Utility Commission. The Public Utility Commission may delay the shut off if you file the complaint before the shut off date. To contact them, call (800) 692-7380 or write to the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, Pennsylvania 17105-3265."

(7) A serious illness notice in compliance with the form in Appendix A (relating to medical emergency notice) except that, for the purpose of § 56.336 (relating to post-termination notice), the notice must comply with the form in Appendix B (relating to medical emergency notice).

(8) If the **public** utility has universal service programs, information indicating that special assistance programs may be available and how to contact the **public** utility for information and enrollment, and that enrollment in the program may be a method of avoiding the termination of service.

(9) Information indicating that special protections are available for victims under a protection from abuse order **or who have a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence** and how to contact the **public** utility to obtain more information on these protections.

(10) Information indicating that special protections are available for tenants if the landlord is responsible for paying the **public** utility bill and how to contact the **public** utility to obtain more information on these protections.

(11) Information indicating that if service is shut off, the customer may be required to pay more than the amount listed on the notice to have service turned back on.

(12) Information indicating that if service is shut off, the customer shall contact the **public** utility after payment has been made to arrange reconnection of the service.

(13) Information in Spanish directing Spanish-speaking customers to the numbers to call for information and translation assistance. Similar information shall be included in other languages when census data indicates that 5% or more of the residents of the **public** utility's service territory are using that language.

(14) Contact information for customers with disabilities that need assistance.

**§ 56.332. Notice when dispute pending.**

A **public** utility may not mail or deliver a notice of termination if a notice of initial inquiry, dispute, informal or formal complaint has been filed and is unresolved and if the subject matter of the dispute forms the grounds for the proposed termination. A notice mailed or delivered in contravention of this section is void.

**§ 56.333. Personal contact.**

(a) Except when authorized under § 56.311, § 56.312 or § 56.338 (relating to interruption of service; discontinuance of service; and exception for terminations based on occurrences harmful to person or property), a **public** utility may not interrupt, discontinue or terminate service without personally contacting the customer or a responsible adult occupant **in person, by telephone or electronically with the customer's consent to provide notice of the proposed termination** at least 3 days prior to the interruption, discontinuance or termination, in addition to providing other notice as specified by the properly filed tariff of the **public** utility or as required under this chapter or other Commission directive.

(b) For purposes of this section, "personal contact" means:

(1) Contacting the customer or responsible adult occupant in person or by telephone. Phone contact shall be

deemed complete upon attempted calls on 2 separate days to the residence between 8 a.m. and 9 p.m. if the calls were made at various times each day, with the various times of the day being daytime before 5 p.m. and evening after 5 p.m. and at least 2 hours apart. Calls made to contact telephone numbers provided by the customer shall be deemed to be calls to the residence.

(2) If contact is attempted in person by a home visit, only one attempt is required. The **public** utility shall conspicuously post a written termination notice at the residence if it is unsuccessful in attempting to personally contact a responsible adult occupant during the home visit.

**(3) Contact by e-mail, text message or other electronic messaging format consistent with the Commission's privacy guidelines and approved by Commission order. The electronic notification option is voluntary and shall only be used if the customer has given prior consent approving the use of a specific electronic message format for the purpose of notification of a pending termination.**

[ (3) ] (4) Contacting another person whom the customer has designated to receive a copy of a notice of termination, other than a member or employee of the Commission.

[ (4) ] (5) If the customer has not made the designation noted in paragraph [ (3) ] (4), contacting a community interest group or other entity, including a local police department, which previously shall have agreed to receive a copy of the notice of termination and to attempt to contact the customer.

[ (5) ] (6) If the **public** utility is not successful in establishing personal contact [ **as noted in paragraphs (1) and (2)** ] and the customer has not made the designation noted in paragraph [ (3) ] (4) and if there is no community interest group or other entity which previously has agreed to receive a copy of the notice of termination, contacting the Commission in writing.

(c) The content of the 3-day personal contact notice must include the earliest date at which termination may occur and **all of** the following information:

- (1) The date and grounds of the termination.
- (2) What is needed to avoid the termination of service.
- (3) How to contact the **public** utility and the Commission.
- (4) The availability of the emergency medical procedures.

(d) The **public** utility shall ask if the customer or occupant has questions about the 10-day written notice the **public** utility previously sent.

**§ 56.334. Procedures immediately prior to termination.**

Immediately preceding the termination of service, a **public** utility employee, who may be the **public** utility employee designated to perform the termination, shall attempt to make personal contact with a responsible adult occupant at the residence of the customer.

\* \* \* \* \*

**§ 56.337. Procedures upon customer or occupant contact prior to termination.**

(a) If, after the issuance of the initial termination notice and prior to the actual termination of service, a

customer or occupant contacts the **public** utility concerning a proposed termination, an authorized **public** utility employee shall fully explain the following:

- (1) The reasons for the proposed termination.
- (2) The available methods for avoiding a termination, including the following:
  - (i) Tendering payment in full or otherwise eliminating the grounds for termination.
  - (ii) Entering a payment agreement.
  - (iii) Paying what is past-due on the most recent previous company negotiated or Commission payment agreement.

[ (iv) Enrolling in the utility’s customer assistance program or its equivalent, if the utility has a program and the customer is eligible for the program. ]

(3) Information about the public utility’s universal service programs, including the customer assistance program. Refer the customer or applicant to the universal service program administrator of the public utility to determine eligibility for a program and to apply for enrollment in a program.

[ (3) ] (4) The medical emergency procedures.

(b) The **public** utility, through its employees, shall exercise good faith and fair judgment in attempting to enter a reasonable payment agreement or otherwise equitably resolve the matter. Factors to be taken into account when attempting to enter into a reasonable informal dispute settlement agreement or payment agreement include the size of the unpaid balance, the ability of the customer to pay, the payment history of the customer and the length of time over which the bill accumulated. Payment agreements for heating customers shall be based upon budget billing as determined under § 56.262(7) (relating to meter reading; estimated billing; customer readings). If a payment agreement is not established, the company shall further explain the following:

- (1) The right of the customer to file a dispute with the **public** utility and, thereafter, an informal complaint with the Commission.

\* \* \* \* \*

§ 56.338. Exception for terminations based on occurrences harmful to person or property.

Notwithstanding any other provision of this chapter, when a service termination is based on an occurrence which endangers the safety of any person or may prove harmful to the energy delivery system of the **public** utility, the **public** utility may terminate service without written notice so long as the **public** utility reasonably believes grounds to exist. At the time of termination, the **public** utility shall make a bona fide attempt to deliver a notice of termination to a responsible adult occupant at the affected premises and, in the case of a single meter, multiunit dwelling, shall conspicuously post the notice at the dwelling, including common areas when permissible.

§ 56.339. Use of termination notice solely as collection device prohibited.

A **public** utility may not threaten to terminate service when it has no present intent to terminate service or when actual termination is prohibited under this chapter. Notice of the intent to terminate shall be used only as a warning that service will in fact be terminated in accordance with the procedures under this chapter, unless the

customer or occupant remedies the situation which gave rise to the enforcement efforts of the **public** utility.

§ 56.340. Winter termination procedures.

Notwithstanding any provision of this chapter, during the period of December 1 through March 31, utilities subject to this subchapter shall conform to the provisions of this section. The covered utilities may not terminate service between December 1 and March 31 except as provided in this section or § 56.338 (relating to exception for terminations based on occurrences harmful to person or property).

(1) *Termination notices.* The **public** utility shall comply with §§ 56.331–56.335 including personal contact, as defined in § 56.333 (relating to personal contact), at the premises if occupied.

(2) *Request for permission to terminate service.* If at the conclusion of the notification process defined in §§ 56.331–56.335, a reasonable agreement cannot be reached between the **public** utility and the customer, the **public** utility shall register with the Commission, in writing, a request for permission to terminate service, accompanied by a **public** utility report as defined in § 56.382 (relating to contents of the **public** utility company report). At the same time, the **public** utility shall serve the customer a copy of the written request registered with the Commission.

(3) *Informal complaints.* If the customer has filed an informal complaint or if the Commission has acted upon the **public** utility’s written request, the matter shall proceed under §§ 56.391–56.394 (relating to informal complaint procedures). Nothing in this section may be construed to limit the right of a **public** utility or customer to appeal a decision by the Bureau of Consumer Services (BCS) under 66 Pa.C.S. § 701 (relating to complaints) and §§ 56.401–56.403 and 56.441.

(4) *Survey of premises previously terminated.* For premises where heat related service has been terminated prior to December 1 of each year, covered utilities shall, within 90 days prior to December 1, survey and attempt to make post-termination personal contact with the occupant or a responsible adult at the premises and in good faith attempt to reach an agreement regarding payment of any arrearages and restoration of service.

(5) *Reporting of survey results.* Utilities subject to this subchapter shall file a brief report outlining their pre-December 1 survey and personal contact results with the BCS on or before December 15 of each year. Each **public** utility shall update the survey and report the results to the BCS on February 1 of each year to reflect any change in the status of the accounts subsequent to the December 15 filing including any accounts terminated in December. For the purposes of the February 1 update of survey results, the **public** utility shall attempt to contact by telephone, if available, a responsible adult person or occupant at each residence in a good faith attempt to reach an agreement regarding payment of any arrearages and restoration of service.

(6) *Landlord ratepayer accounts.* During the period of December 1 through March 31, a **public** utility subject to this subchapter may not terminate service to a premises when the account is in the name of a landlord ratepayer as defined at 66 Pa.C.S. § 1521 (related to definitions) except for the grounds in § 56.338.

(7) *Reporting of deaths at locations where public utility service was previously terminated.* Throughout the year, utilities subject to this subchapter shall report to the



Commission when, in the normal course of business, they become aware of a household fire, incident of hypothermia or carbon monoxide poisoning or another event that resulted in a death and that the **public** utility service was off at the time of the incident. Within 1 working day of becoming aware of an incident, the **public** utility shall submit a telephone or electronic report to the Director of the BCS including, if available, the name, address and account number of the last customer of record, the date of the incident, a brief statement of the circumstances involved and, if available from an official source or the media, the initial findings as to the cause of the incident and the source of that information. The BCS or Commission may request additional information on the incident and the customer's account. Information submitted to the Commission in accordance with this paragraph shall be treated in accordance with 66 Pa.C.S. § 1508 (relating to reports of accidents) and may not be open for public inspection except by order of the Commission, and may not be admitted into evidence for any purpose in any suit or action for damages growing out of any matter or thing mentioned in the report.

### EMERGENCY PROVISIONS

#### § 56.351. General provision.

A **public** utility may not terminate service, or refuse to restore service, to a premises when a licensed physician [ or ], nurse practitioner or **physician assistant** has certified that the customer or an applicant seeking reconnection of previously terminated service under § 56.421 (relating to payment and timing) or a member of the customer's or applicant's household is seriously ill or afflicted with a medical condition that will be aggravated by cessation of service. The customer or applicant shall obtain a letter from a licensed physician [ or ], nurse practitioner or **physician assistant** verifying the condition and promptly forward it to the **public** utility. The determination of whether a medical condition qualifies for the purposes of this section resides entirely with the physician [ or ], nurse practitioner or **physician assistant** and not with the **public** utility. A **public** utility may not impose any qualification standards for medical certificates other than those listed in this section.

#### § 56.352. Postponement of termination pending receipt of certificate.

If, prior to termination of service, the **public** utility employee is informed that an occupant is seriously ill or is affected with a medical condition which will be aggravated by a cessation of service and that a medical certification will be procured, termination may not occur for at least 3 days. If a certification is not produced within that 3-day period, the **public** utility may resume the termination process at the point when it was suspended.

#### § 56.353. Medical certifications.

Certifications initially may be written or oral, subject to the right of the **public** utility to verify the certification by calling the physician [ or ], nurse practitioner or **physician assistant**, or to require written verification within 7 days. **Public utilities may develop a medical certificate form but may not make its use mandatory. A medical certificate form developed by the public utility shall be made readily available and placed on the public utility's web site. Medical certificates can be electronically transmitted and electronic signatures are valid.** Certifications, whether written or oral, must include **all of** the following:

(1) The name and address of the customer (or applicant in whose name the account is registered).

(2) The name and address of the afflicted person and the relationship to the customer or applicant.

(3) The [ **nature and** ] anticipated length of the affliction.

[ (4) **The specific reason for which the service is required.**

(5) ] (4) The name, office address and telephone number of the certifying physician [ or ], nurse practitioner or **physician assistant**.

(5) **If a written certificate is provided, the signature of the certifying physician, nurse practitioner or physician's assistant.**

#### § 56.354. Length of postponement; renewals.

Service may not be terminated for the time period specified in a medical certification. The maximum length of the certification shall be 30 days.

(1) *Time period not specified.* If no length of time is specified or if the time period is not readily ascertainable, service may not be terminated for at least 30 days.

(2) *Renewals.* Certifications may be renewed in the same manner and for the same time period as provided in §§ 56.352 and 56.353 (relating to postponement of termination pending receipt of certificate; and medical certifications) and this section if the customer has met the obligation under § 56.356 (relating to duty of customer to pay bills). In instances when a customer has not met the obligation in § 56.356 to equitably make payments on all bills, the number of renewals for the customer's household is limited to two 30-day certifications filed for the same set of arrearages. In these instances, the **public** utility is not required to honor a third renewal of a medical certificate and is not required to follow § 56.358(3) (relating to right of **public** utility to petition the Commission). The **public** utility shall apply the dispute procedures in §§ 56.381 and 56.382 (relating to **public** utility company dispute procedures). When the customer eliminates these arrearages, the customer is eligible to file new medical certificates.

#### § 56.355. Restoration of service.

When service is required to be restored under this section and §§ 56.351, 56.354, 56.356—56.358 and 56.421, the **public** utility shall make a diligent effort to have service restored on the day of receipt of the medical certification. In any case, service shall be reconnected within 24 hours. Each **public** utility shall have employees available or on call to restore service in emergencies.

#### § 56.357. Termination upon expiration of medical certification.

When the initial and renewal certifications have expired, the original ground for termination shall be revived and the **public** utility may terminate service without additional written notice, if notice previously has been mailed or delivered within the past 60 days under § 56.331 (relating to general notice provisions and contents of termination notice). The **public** utility shall comply with §§ 56.333—56.336.

§ 56.358. Right of **public** utility to petition the Commission.

(a) A **public** utility may petition the Commission for waiver from the medical certification procedures for the following purposes:

(1) *Contest the validity of a certification.* To request an investigation and hearing by the Commission or its designee when the **public** utility wishes to contest the validity of the certification.

(2) *Terminate service prior to expiration of certification.* To request permission to terminate service for the failure of the customer to make payments on current undisputed bills.

(3) *Contest the renewal of a certification.* To request permission to terminate service, under this section and §§ 56.321—56.323 and 56.331—56.339 when customer has not met the duty under § 56.356 (relating to duty of customer to pay bills), provided that the **public** utility has informed the customer of that duty under § 56.356.

(b) A **public** utility shall continue to provide service while a final Commission adjudication on the petition is pending. A petition under this section shall be accompanied by a **public** utility report described in § 56.382 (relating to contents of the **public** utility company report) and shall be filed with the Secretary of the Commission with a copy served to the customer.

\* \* \* \* \*

**THIRD-PARTY NOTIFICATION**

**§ 56.361. Third-party notification.**

Each **public** utility shall permit its customers to designate a consenting individual or agency which is to be sent, by the **public** utility, a duplicate copy of reminder notices, past due notices, delinquent account notices or termination notices of whatever kind issued by that **public** utility. When contact with a third party is made, the **public** utility shall advise the third party of the pending action and the efforts which shall be taken to avoid termination. A **public** utility shall institute and maintain a program:

(1) To allow customers to designate third parties to receive copies of a customer's or group of customers' notices of termination of service.

(2) To advise customers at least annually of the availability of a third-party notification program and to encourage its use thereof. The **public** utility shall emphasize that the third party is not responsible for the payment of the customer's bills.

\* \* \* \* \*

**Subchapter Q. DISPUTES; TERMINATION  
DISPUTES; INFORMAL AND FORMAL  
COMPLAINTS**

**GENERAL PROVISIONS**

**§ 56.371. Follow-up response to inquiry.**

When a customer is waiting for a follow-up response to an initial inquiry under § 56.252 (relating to definitions), termination or threatening termination of service, for the subject matter relating to the inquiry in question, shall be prohibited until the follow-up response and, when applicable, subsequent dispute resolution is completed by the **public** utility.

**§ 56.372. Dispute procedures.**

A notice of dispute, including termination disputes, must proceed, according to this section:

(1) *Attempted resolution.* If, at any time prior to the actual termination of service, a customer advises the **public** utility that the customer disputes any matter covered by this chapter, including, but not limited to, credit determinations, deposit requirements, the accuracy

of **public** utility metering or billing or the proper party to be charged, the **public** utility shall attempt to resolve the dispute in accordance with § 56.381 (relating to general rule).

\* \* \* \* \*

**§ 56.373. Time for filing an informal complaint.**

To be timely filed, an informal complaint—which may not include disputes under §§ 56.285 and 56.421 (relating to payment of outstanding balance; and payment and timing)—shall be filed prior to the day on which the **public** utility arrives to terminate service. If the **public** utility arrives to terminate service and posts a deferred termination notice in lieu of termination or otherwise fails to terminate service, the time for filing an informal complaint shall be extended until the end of the business day prior to the **public** utility again arriving to terminate service.

**§ 56.374. Effect of failure to timely file an informal complaint.**

Failure to timely file an informal complaint, except for good cause, shall constitute a waiver of applicable rights to retain service without complying with the termination notice or conference report of the **public** utility.

**PUBLIC UTILITY COMPANY DISPUTE PROCEDURES**

**§ 56.381. General rule.**

Upon initiation of a dispute covered by this section, the **public** utility shall:

\* \* \* \* \*

(5) Within 30 days of the initiation of the dispute, issue its report to the complaining party. The **public** utility shall inform the complaining party that the report is available upon request.

(i) If the complainant is not satisfied with the dispute resolution, the **public** utility company report must be in writing and conform to § 56.382 (relating to contents of the **public** utility company report). Further, in these instances, the written report shall be sent to the complaining party if requested or if the **public** utility deems it necessary.

(ii) If the complaining party is satisfied with the orally conveyed dispute resolution, the written **public** utility company report may be limited to the information in § 56.382(1) and (2) and, when applicable, § 56.382(7)(ii) or (8)(ii).

\* \* \* \* \*

**§ 56.382. Contents of the public utility company report.**

A **public** utility company report must **all of** include the following:

[ (a) ] (1) A statement of the claim or dispute of the customer and a copy thereof if the claim or notice of dispute was made in writing.

[ (b) ] (2) The position of the **public** utility regarding that claim.

[ (c) ] (3) A statement that service will not be terminated pending completion of the dispute process, including both informal and formal complaints, so long as there is compliance with all requirements of the Commission.

[ (d) ] (4) A statement that if the complaining party does not agree with the **public** utility company report, an

informal complaint shall be filed with the Commission to ensure the preservation of all of the complaining party's rights.

[ (e) ] (5) The office where payment may be made or information obtained listing the appropriate telephone number and address of the **public** utility.

[ (f) ] (6) A full and complete explanation of procedures for filing an informal complaint with the Commission (see § 56.391 (relating to informal complaint filing procedures)). If a written report is not requested by the complaining party or is not deemed necessary by the **public** utility, the **public** utility shall provide the information in § 56.391(1), (2) and (5). In addition, the **public** utility shall always provide the telephone number and address of the office of the Commission where an informal complaint may be filed.

[ (g) ] (7) If the matter in dispute involves a billing dispute, the report must include the following:

[ (1) ] (i) An itemized statement of the account of the complaining customer specifying the amount of credit, if any, and the proper amount due.

[ (2) ] (ii) The date on or after which the account will become delinquent unless a payment agreement is entered into or an informal complaint is filed with the Commission. This date may not be earlier than the due date of the bill or 15 days after the issuance of a **public** utility company report, whichever is later.

[ (h) ] (8) If the matter involves a dispute other than a billing dispute, the report must also state the following:

[ (1) ] (i) The action required to be taken to avoid the termination of service.

[ (2) ] (ii) The date on or after which service shall be terminated in accordance with the applicable requirements unless the report is complied with or a payment agreement entered into or an informal complaint filed. This date may not be earlier than the original date for compliance with the matter which gave rise to the dispute or 10 days from the date of issuance of the **public** utility company report, whichever is later. If the **public** utility company report is in writing, the information in this paragraph shall be prominently displayed.

**INFORMAL COMPLAINT PROCEDURES**

**§ 56.391. Informal complaint filing procedures.**

An informal complaint may be filed orally or in writing and must include the following information:

\* \* \* \* \*

(4) The name of the **public** utility.

(5) A brief statement of the dispute.

(6) Whether the dispute formerly has been the subject of a **public** utility company investigation and report.

\* \* \* \* \*

**§ 56.392. Commission informal complaint procedure.**

Upon the filing of an informal complaint, which shall be captioned as "(Complainant) v. (**public** utility)," Commission staff will immediately notify the **public** utility; review the dispute; and, within a reasonable period of time, issue to the **public** utility and the complaining party an informal report with findings and a decision. Parties may represent themselves or be represented by counsel or other person of their choice, and may bring

witnesses to appear on their behalf. The reports will be in writing and a summary will be sent to the parties if a party requests it or if the Commission staff finds that a summary is necessary.

(1) *Review techniques.* Review will be by an appropriate means, including, but not limited to, **public** utility company reports, telephone calls, conferences, written statements, research, inquiry and investigation. Procedures will be designed to insure a fair and reasonable opportunity to present pertinent evidence and to challenge evidence submitted by the other party to the dispute, to examine a list of witnesses who will testify and documents, records, files, account data, records of meter tests and other material that the Commission staff will determine may be relevant to the issues, and to question witnesses appearing on behalf of other parties. Information and documents requested by Commission staff as part of the review process shall be provided by the **public** utility within 30 days of the request. If the complainant is without **public** utility service, or in other emergency situations as identified by Commission staff, the information requested by Commission staff shall be provided by the **public** utility within 5 business days of the request. **Upon request of the complainant or Commission staff, the public utility shall provide the complainant with a copy of the documents submitted to Commission staff in response to the informal complaint. The public utility shall redact documents to omit information that would possibly compromise the privacy or personal security of any individual other than the complainant.**

\* \* \* \* \*

**§ 56.393. Termination pending resolution of the dispute.**

In any case alleging unauthorized use of **public** utility service, as defined in § 56.252 (relating to definitions), or the customer's failure to pay undisputed bills as required under § 56.411 (relating to duties of parties [ ; ]: disputing party's duty to pay undisputed portion of bills; **public** utility's duty to pay interest whenever overpayment found), a **public** utility may terminate service after giving proper notice in accordance with §§ 56.331—56.338, whether or not a dispute is pending.

**FORMAL COMPLAINTS**

**§ 56.403. Review from informal complaint decisions of the Bureau of Consumer Services.**

\* \* \* \* \*

(c) *Captions.* The parties to a review will be stated in the caption as they stood upon the record of the informal complaint proceeding. If the party requesting review is a **public** utility, the phrase "Complaint Appellant" will be added after its name.

\* \* \* \* \*

(f) *Commission review.* The Commission will review the decision of the assigned administrative law judge or special agent, commit it to advisory staff for further analysis, remand it to an administrative law judge or special agent for further development of the record or issue a final order. The burden of proof remains with the party who filed the [ **formal** ] informal complaint.

**§ 56.404. Ability to pay proceedings.**

\* \* \* \* \*

(b) *Stay of informal complaint decision.* Upon the filing of a formal complaint in a case seeking review from the

decision of the BCS, there shall be an automatic stay of payment arrangements ordered in that decision, other than current bills not at issue. The **public** utility may request that the presiding officer remove the stay and order payment of amounts in the informal complaint decision. When current bills are not at issue, the customer shall be responsible for payment of current, undisputed bills pending issuance of a final Commission order.

\* \* \* \* \*

**PAYMENT OF BILLS PENDING RESOLUTION OF DISPUTES AND COMPLAINTS**

§ 56.411. Duties of parties: disputing party's duty to pay undisputed portion of bills; **public** utility's duty to pay interest whenever overpayment found.

Pending resolution of a dispute, including a termination dispute, the disputing party shall be required to pay the undisputed portion of bills, as described in this section.

\* \* \* \* \*

(5) *Effect of acceptance of partial payment.* The acceptance by a **public** utility of a partial payment for a bill pending final outcome of a dispute may not be deemed an accord and satisfaction or waiver of the right of the **public** utility to payment in full as subsequently agreed to by the parties or decided by the Commission.

**Subchapter R. RESTORATION OF SERVICE**

§ 56.421. **Payment and timing.**

When service to a dwelling has been terminated, the **public** utility shall reconnect service within 24 hours after receiving one of the following:

(1) Full payment of an outstanding charge plus the reconnection fee specified in the **public** utility's tariff on file with the Commission. Outstanding charges and the reconnection fee may be amortized over a reasonable period of time. Factors to be taken into account include, but are not limited to:

\* \* \* \* \*

(2) Payment of amounts currently due according to a payment agreement, plus a reasonable reconnection fee, which may be a part of the payment agreement. The **public** utility may apply the procedure in paragraph (1), if the payment history indicates that the customer has defaulted on at least two payment agreements, an informal complaint decision or a formal complaint order. For purposes of this section, neither an amortization of a make-up bill under § 56.264 (relating to previously unbilled **public** utility service) or the definition of "billing month" in § 56.252 (relating to definitions) nor a payment agreement that has been paid in full by the customer, are to be considered defaults. Budget billing plans and amortization of budget plan reconciliation amounts under [ § 56.262(7) ] § 56.262(8) (relating to meter reading; estimated billing; customer readings) may not be considered defaults for the purposes of this section.

(3) Adequate assurances that any unauthorized use or practice will cease, plus full payment of the reasonable reconnection fee of the **public** utility, which may be subject to a payment agreement and compliance or adequate assurance of compliance with an applicable provision for the establishment of credit or the posting of deposits or guarantees.

(4) Service shall be restored within 24 hours for erroneous terminations or upon receipt by the **public** utility of a valid medical certification. Erroneous terminations include instances when the grounds for termination were

removed by the customer paying the amount needed to avoid termination prior to the termination of the service.

(5) Service shall be restored within 24 hours for terminations and reconnections occurring after November 30 and before April 1.

(6) A customer or applicant of a city natural gas distribution operation whose household income does not exceed 135% of the Federal poverty level shall be reinstated under this section only if the customer or applicant enrolls in the customer assistance program of the city natural gas distribution operation. This requirement may not apply if the financial benefits to the customer or applicant are greater if served outside of that assistance program.

(7) A **public** utility shall provide for and inform the applicant or customer of a location where the customer may make payment to restore service. A **public** utility shall inform the applicant or customer that conditions for restoration of service may differ if someone in the household is a victim of domestic violence with a protection from abuse order or a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence, or is seriously ill or affected by a medical condition which will be aggravated without **public** utility service.

§ 56.422. **Personnel available to restore service.**

A **public** utility shall have adequate personnel available between 9 a.m. and 5 p.m. on each working day or for a commensurate period of 8 consecutive hours to restore service when required under this chapter, specifically §§ 56.322 and 56.421 (relating to timing of termination; and payment and timing).

**Subchapter S. PUBLIC INFORMATION PROCEDURES; RECORD MAINTENANCE**

§ 56.431. **Public information.**

(a) In addition to the notice requirements in this chapter, the Commission will, within 6 months of the effective date of a change to a regulation in this chapter, prepare a summary of the rights and responsibilities of the **public** utility and its customers affected by the change. Summaries will be mailed by the **public** utility to each customer of the **public** utility affected by the change. These summaries, as well as a summary of the rights and responsibilities of the **public** utility and its customers in accordance with this chapter, shall be in writing, reproduced by the **public** utility, displayed prominently, available on the **public** utility's web site, if the company has one, and available at all **public** utility office locations open to the general public. The public utility shall inform new customers of the availability of this information and direct where to locate it on the **public** utility's web site. The **public** utility shall deliver or mail a copy upon the request of a customer or applicant.

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

\* \* \* \* \*

(11) Telephone numbers and addresses of the **public** utility and of the nearest regional office of the Commission where further inquiries may be made.

(12) Definitions of terms or abbreviations used by the **public** utility on its bills.

(13) Information indicating that additional consumer protections may be available for victims of domestic violence **who have a protection from abuse order or a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence**, people with serious illnesses and low income households.

**§ 56.432. Record maintenance.**

A **public** utility shall preserve for a minimum of 4 years written or recorded disputes and complaints, keep the records accessible within this Commonwealth at an office located in the territory served by it, and make the records available for examination by the Commission or its staff. Information to be maintained includes the following:

- (1) The payment performance of each of its customers.
- (2) The number of payment agreements made by the **public** utility company and a synopsis of the terms, conditions and standards upon which agreements were made.

\* \* \* \* \*

**Subchapter T. INFORMAL COMPLAINTS**

**§ 56.441. Informal complaints.**

The Commission delegates to the Bureau of Consumer Services (BCS) the primary authority to resolve customer, applicant or occupant complaints arising under this chapter. The BCS, through its Director and with the concurrence of the Commission, will establish appropriate internal procedures to implement the provisions of this chapter.

(1) Absent good cause, the BCS will handle only Chapter 56 informal complaints in which the customer first attempted to resolve the matter with the **public** utility.

(2) Only after the customer and the **public** utility have failed to resolve the dispute will BCS initiate an investigation.

**Subchapter U. GENERAL PROVISIONS**

**§ 56.451. Availability of normal Commission procedures.**

Nothing in this chapter prevents a person or a **public** utility from pursuing other Commission procedures in a case not described in this chapter.

**§ 56.452. Applications for modification or exception.**

(a) If unreasonable hardship to a person or to a **public** utility results from compliance with a section in this chapter or a technological advance permits an enhanced level of customer service, application may be made to the Commission for modification of the section or for temporary exemption from its requirements. The adoption of this chapter by the Commission will in no way preclude it from altering or amending it under the applicable statutory procedures, nor will the adoption of this chapter preclude the Commission from granting temporary exemptions in exceptional cases.

(b) A person or **public** utility that files an application under this section shall provide notice to persons who may be affected by the modification or temporary exemption. Notice may be made by a bill insert or in another reasonable manner.

Subchapter V. [ **UTILITY REPORTING REQUIREMENTS** ] (Reserved)

§ 56.461. [ **Reporting requirements** ] (Reserved).

[ (a) Within 90 days after the end of each calendar year, each natural gas distribution utility with annual gas operating revenues of less than \$6 million per year, and each steam heat utility shall file with the Commission a report containing the following information concerning residential accounts for the previous year:

- (1) The total number of residential customers as of the end of each month for the calendar year.
  - (2) The total number of terminations for nonpayment for each month of the calendar year.
  - (3) The total number of terminations for reasons other than nonpayment for each month of the calendar year.
  - (4) The total number of reconnections for customer payment for each month of the calendar year.
  - (5) The total number of reconnections for customer submission of medical certification for each month of the calendar year.
  - (6) The total number of reconnections for reasons other than customer payment or medical certification for each month of the calendar year.
  - (7) The total dollar amount of annual residential billings.
  - (8) The total dollar amount of annual gross residential write-offs.
- (b) Utilities shall refer to the data dictionary in Appendix D (relating to definitions (§ 56.461)) for additional guidance as to the terms used in this section. ]

**APPENDIX A. MEDICAL EMERGENCY NOTICE**

Let us know if someone living in your home is seriously ill or has a medical condition that will be aggravated by the cessation of service. We will not shut off your service during such illness provided you:

- (a) Have a licensed physician [ or ], nurse practitioner or physician assistant certify by phone or in writing that such illness exists and that it may be aggravated if your service is stopped; and
- (b) Make some equitable arrangement to pay the company your current bills for service.
- (c) Contact us by calling the following number: [ (Utility) ] (Public Utility) Phone Number: [ (Utility) ] (Public Utility) Address:
- (d) Have your licensed physician, nurse practitioner or physician assistant send a letter to the public utility within 7 days verifying the medical condition.

**APPENDIX B. MEDICAL EMERGENCY NOTICE**

Let us know if someone living in your home is seriously ill or has a medical condition that will be aggravated by the cessation of service. We will restore your utility service within 24 hours during such illness provided you:

- (a) Have a licensed physician [ or ], nurse practitioner or physician assistant certify by phone or in writing that such illness exists and that it may be aggravated if your service is not restored; and

(b) Make some equitable arrangement to pay the company your current bills for service.

(c) Contact us by calling the following number: [ (Utility) ] (Public Utility) Phone Number: [ (Utility) ] (Public Utility) Address:

(d) Have your licensed physician, **nurse practitioner or physician assistant** send a letter to the utility within 7 days verifying the medical condition.

#### APPENDIX C. DEFINITIONS (§ 56.231)

This data dictionary and the following definitions are to be used in relation to the reporting requirements in § 56.231 (relating to reporting requirements).

*Annual collections operating expenses*—Use the definition in § 54.72 or § 62.2, “include administrative expenses associated with termination activity, field visits, negotiating payment arrangements, budget counseling, investigation and resolving informal and formal complaints associated with payment arrangements, securing and maintaining deposits, tracking delinquent accounts, collection agencies’ expenses, litigation expenses other than [ **already included** ] **Commission-related**, dunning expenses and winter survey expenses.” Report the cumulative total as of the end of the [ **reporting period/year** ] **calendar year**. Exclude customer assistance program expenses **including customer assistance program administrative expenses, customer assistance program credits, also known as revenue shortfall, customer assistance program arrearage forgiveness and any other expenses directly related to customer assistance programs.**

*Annual residential billings*—Report the cumulative total dollar amount in residential billings [ **during the reporting period/year** ] **as of the end of the calendar year**. This includes “normal tariff billings,” **universal service program billings including customer assistance programs**, and “miscellaneous billings.” The latter category includes billings for late payment fees.

*Average monthly bill for the previous year for a heating customer*—Report the aggregate average monthly bill by calculating the average of the 12 monthly average bills for heating customers. Report the average as of the end of the [ **reporting period/year** ] **calendar year**.

*Average monthly bill for the previous year for a nonheating customer*—Report the aggregate average monthly bill by calculating the average of the 12 monthly average bills for nonheating customers. Report the average as of the end of the [ **reporting period/year** ] **calendar year**.

*Average monthly usage for a heating customer*—Report the aggregate average monthly usage by calculating the average of the 12 monthly average usages for heating customers. Report the average as of the end of the [ **reporting period/year** ] **calendar year**.

*Average monthly usage for a nonheating customer*—Report the aggregate average monthly usage by calculating the average of the twelve monthly average usages for nonheating customers. Report the average as of the end of the [ **reporting period/year** ] **calendar year**.

[ **total** ] *Total dollar amount of active residential accounts in arrears and not on a payment [ **agreement** ] **arrangement***—Report the total dollar amount as of the end of the [ **reporting period/month** ] **calendar**

**month**. The due date should be considered to be day zero (0) in the determination of when account is overdue. Exclude customer assistance program recipients.

*Total dollar amount of active residential accounts in arrears and on a payment [ **agreement** ] **arrangement***—Report the total dollar amount as of the end of the [ **reporting period/month** ] **calendar month**. The due date should be considered to be day zero (0) in the determination of when account is overdue. Exclude customer assistance program recipients.

*Total dollar amount of gross residential write-offs*—Report the cumulative total dollar amount as of the end of the [ **reporting period/year** ] **calendar year**. Do not include customer assistance program credits (**also known as revenue shortfall**) or customer assistance program arrearage forgiveness in this category.

*Total dollar amount of inactive residential accounts in arrears*—An account that has been terminated or discontinued, the final bill due date has passed, and the amount owed has not yet been written off. Report the total dollar amount as of the end of the [ **reporting period/month** ] **calendar month**. The due date should be considered to be day zero (0) in the determination of when account is overdue. A terminated or final-billed account becomes inactive on the day after the final bill is due and payable.

*Total dollar amount of net residential write-offs*—Net write-offs are calculated by subtracting recoveries from gross write-offs. **Include all residential recoveries regardless of the year the recovered dollars were actually written off.** Report the cumulative total dollar amount as of the end of the [ **reporting period/year** ] **calendar year**. **Do not include customer assistance program credits, also known as revenue shortfall, or customer assistance program arrearage forgiveness in this category.**

*Total dollar amount in security deposits on-hand*—Report the dollar amount as of the end of the [ **reporting period/year** ] **calendar year**. Exclude accrued interest.

*Total dollar amount in security deposits that are requested or billed to applicants*—Report the cumulative total dollar amount as of the end of the [ **reporting period/month** ] **calendar month**.

*Total dollar amount in security deposits that are requested or billed to customers*—Report the cumulative total dollar amount as of the end of the [ **reporting period/month** ] **calendar month**.

*Total number of active residential accounts in arrears and not on a payment [ **agreement** ] **arrangement***—Report the total as of the end of the [ **reporting period/month** ] **calendar month**. The due date should be considered to be day zero (0) in the determination of when account is overdue. Exclude customer assistance program recipients.

*Total number of active residential accounts in arrears and on a payment [ **agreement** ] **arrangement***—Report the total as of the end of the [ **reporting period/month** ] **calendar month**. The due date should be considered to be day zero (0) in the determination of when account is overdue. Exclude customer assistance program recipients.

*Total number of applicants that are requested or billed a security deposit*—Report the cumulative number as of the end of the [ **reporting period/month** ] **calendar month**.

*Total number of customers that are requested or billed a security deposit*—Report the cumulative number as of the end of the [ **reporting period/month** ] **calendar month**.

*Total number of dwellings receiving termination notices sent to occupants other than the customer*—The grounds for termination are customer nonpayment of usage-based billings or nonpayment of a security deposit. Use this category when the termination notice was delivered to someone other than the customer, for example, a termination notice to a tenant because of nonpayment of a landlord-ratepayer. This does not include copies of termination notices sent in accordance with the third-party notification procedures in § 56.131. Report the cumulative number as of the end of the [ **reporting period/month** ] **calendar month**. Include customer assistance program recipients.

*Total number of 48-hour termination notices posted*—The grounds for termination are customer nonpayment of usage-based billings or nonpayment of a security deposit. Report the cumulative number as of the end of the [ **reporting period/month** ] **calendar month**. Include customer assistance program recipients. The termination notice was posted at the customer's residence in accordance with § 56.95.

*Total number of inactive residential accounts in arrears*—An account that has been terminated or discontinued, the final bill due date has passed, and the amount owed has not yet been written off. Report the total as of the end of the [ **reporting period/month** ] **calendar month**. The due date should be considered to be day zero (0) in the determination of when an account is overdue. A terminated or final-billed account becomes inactive on the day after the final bill is due and payable.

*Total number of reconnections for customer submission of medical certification*—Includes only reconnections because the customer has supplied the company with a valid medical certificate as the condition of reconnection. Report the cumulative number as of the end of the [ **reporting period/month** ] **calendar month**. Include customer assistance program recipients.

*Total number of reconnections for full customer payment, partial payment or payment [ agreement ] arrangement*—A reconnection is any residential account that was terminated for any reason covered under § 56.81 or § 56.98 and subsequently restored after the customer paid in full the outstanding balance of the account, made a partial payment or entered into a payment [ agreement ] arrangement regardless of whether the customer's current status is that of applicant or customer per the definitions in § 56.2. Four criteria must be met: the reconnection is for the same customer/applicant that was terminated; the location of the reconnection is the same location as the location of the termination; the dollars in debt that are the subject of the customer payment and/or customer payment [ agreement ] arrangement are for the same customer/applicant while at the same location; and the time that has passed since the final bill due date does not exceed 4 years. Report the cumulative number as of the end of the [ **reporting period/month** ] **calendar month**. Include customer assistance program recipients.

*Total number of reconnections for reasons other than customer payment or medical certification*—Report the cumulative number as of the end of the [ **reporting period/month** ] **calendar month**. This category includes any reconnection not reported under reconnections for payment/partial payment/payment arrangement or reconnections for submission of a medical certificate. Include customer assistance program recipients.

*Total number of residential heating customers*—Report the number as of the end of the [ **reporting period/month** ] **calendar month**. Report each individually billed account under a unique residential account number and residential tariff rate (Count the number of residential bills that you issue). Include customer assistance program recipients.

*Total number of residential nonheating customers*—Report the number as of the end of the [ **reporting period/month** ] **calendar month**. Report each individually billed account under a unique residential account number and residential tariff rate (Count the number of residential bills that you issue). Include customer assistance program recipients.

*Total number of security deposits on-hand*—Report the number as of the end of the [ **reporting period/year** ] **calendar year**.

*Total number of 10-day termination notices issued by the public utility*—The grounds for termination are customer nonpayment of usage-based billings or nonpayment of a security deposit. Report the cumulative number as of the end of the [ **reporting period/month** ] **calendar month**. Include customer assistance program recipients.

*Total number of terminations for nonpayment*—The grounds for termination are customer nonpayment of usage-based billings or nonpayment of a security deposit. Report the cumulative number as of the end of the [ **reporting period/month** ] **calendar month**. Include customer assistance program recipients.

*Total number of terminations for nonpayment and reasons other than nonpayment categorized by the first three digits of each account's postal code*—The grounds for termination are customer nonpayment of usage-based billings or nonpayment of a security deposit, failure to permit access, unauthorized use of service, fraud, meter tampering, and safety. Report the cumulative number as of the end of the [ **reporting period/month** ] **calendar month**. Include customer assistance program recipients. Categorize by the first three digits of the postal code of the customer's service address.

*Total number of terminations for reasons other than nonpayment*—The reasons for termination include failure to permit access, unauthorized use of service, fraud, meter tampering, and safety. Report the cumulative number as of the end of the [ **reporting period/month** ] **calendar month**. Include customer assistance program recipients.

*Total number of 3-day termination notices completed by electronic messaging formats*—The grounds for termination are customer nonpayment of usage-based billings or nonpayment of a security deposit. Report the cumulative number as of the end of the calendar month. Include customer assistance program recipients. The customer was contacted using email, text message or other electronic messaging format in accordance with § 56.93.

*Total number of 3-day termination notices completed by personal contact in person*—The grounds for termination are customer nonpayment of usage-based billings or nonpayment of a security deposit. Report the cumulative number as of the end of the [ **reporting period/month** ] **calendar month**. Include customer assistance program recipients. The customer was contacted in person in accordance with § 56.93.

*Total number of 3-day termination notices completed by telephone*—The grounds for termination are customer nonpayment of usage-based billings or nonpayment of a security deposit. Report the cumulative number as of the end of the [ **reporting period/month** ] **calendar month**. Include customer assistance program recipients. The customer was contacted using the telephone in accordance with § 56.93.

APPENDIX D. DEFINITIONS [ ( § 56.461 ) ]  
( § 56.231(d) )

This data dictionary and the following definitions are to be used in relation to the reporting requirements in [ § 56.461 ] § 56.231(d) (relating to reporting requirements).

*Annual residential billings*—Report the cumulative total dollar amount in residential billings during the [ **reporting period/year** ] **calendar year**. This includes “normal tariff billings” and “miscellaneous billings.” The latter category includes billings for late payment fees.

*Total dollar amount of gross residential write-offs*—Report the cumulative total dollar amount as of the end of the [ **reporting period/year** ] **calendar year**. Do not include customer assistance program credits (revenue shortfall) or customer assistance program arrearage forgiveness in this category.

*Total number of reconnections for customer payment*—A reconnection is any residential account that was terminated for any reason covered under § 56.321 or § 56.338 and subsequently restored after the customer paid in full the outstanding balance of the account, or made a partial payment or entered into a payment agreement regardless of whether the customer’s current status is that of applicant or customer per the definitions in § 56.252. Four criteria must be met: the reconnection is for the same customer/applicant that was terminated; the loca-

tion of the reconnection is the same location as the location of the termination; the dollars in debt that are the subject of the customer payment or customer payment agreement, or both, are for the same customer/applicant while at the same location; and the time that has passed since the final bill due date does not exceed 4 years. Report the cumulative number as of the end of the [ **reporting period/month** ] **calendar month**. Include customer assistance program recipients.

*Total number of reconnections for customer submission of medical certification*—Includes only reconnections because the customer has supplied the company with a valid medical certificate as the condition of reconnection. Report the cumulative number as of the end of the [ **reporting period/month** ] **calendar month**. Include customer assistance program recipients.

*Total number of reconnections for reasons other than customer payment or medical certification*—Report the cumulative number as of the end of the [ **reporting period/month** ] **calendar month**. Include customer assistance program recipients.

*Total number of residential customers*—Report the number as of the end of the [ **reporting period/month** ] **calendar month**. Report each individually billed account under a unique residential account number and residential tariff rate (Count the number of residential bills that you issue). Include customer assistance program recipients.

*Total number of terminations for nonpayment*—The grounds for termination are customer nonpayment of usage-based billings or nonpayment of a security deposit. Report the cumulative number as of the end of the [ **reporting period/month** ] **calendar month**. Include customer assistance program recipients.

*Total number of terminations for reasons other than nonpayment*—The reasons for termination include failure to permit access, unauthorized use of service, fraud, meter tampering, and safety. Report the cumulative number as of the end of the [ **reporting period/month** ] **calendar month**. Include customer assistance program recipients.

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