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CHAPTER 51. GENERAL PROVISIONS

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§ 51.1. Definition of Commission.

As used in this subpart, the term Commission means the Pennsylvania Public Utility Commission, or as appropriate, its predecessor, the Public Service Commission of the Commonwealth of Pennsylvania.

DIVERSITY**§ 51.11. General.**

The Commission's Diversity Policy Statement at 52 Pa. Code §§ 69.801—69.809 (relating to diversity at major jurisdictional utility companies—statement of policy) provides recommendations for addressing diversity issues. While the means by which a major jurisdictional utility addresses diversity in its workforce and vendor supply chains should be utility-specific, the results of such efforts shall be reported in accordance with this chapter annually by each major jurisdictional utility. Failure to conform with this chapter may result in civil penalties under 66 Pa.C.S. § 3301 (relating to civil penalties for violations).

Authority

The provisions of this § 51.11 added under 66 Pa.C.S. §§ 501 and 504.

Source

The provisions of this § 51.11 added September 16, 2022, effective September 17, 2022, 52 Pa.B. 5934.

Cross References

This section cited in 52 Pa. Code § 51.12 (relating to definitions).

§ 51.12. Definitions.

(a) The following words and terms, when used in §§ 51.11 and 51.13 (relating to general; and diversity reporting requirement) and in the Commission's Diversity Policy Statement at 52 Pa. Code §§ 69.801—69.809 (relating to diversity at major jurisdictional utility companies—statement of policy), in the context of major jurisdictional utility employees and vendors have the following meanings:

Diversity—The attainment of organizational objectives by maximizing the contributions of individuals from every segment of the population including minorities, women, persons with disabilities, LGBTQ and veterans.

LGBTQ—Lesbian, gay, bisexual, transgender, queer and questioning—This term also includes gender non-conforming individuals.

Major jurisdictional utility—An electric, natural gas, water or wastewater utility whose net plant in service is valued at \$10 million or more.

Person with disabilities—A person who has a disability as defined in the Americans With Disabilities Act (ADA) (42 U.S.C.A. § 12102—12213).

Veteran—A person who meets any veteran category defined in 41 CFR 61-300.2 (relating to what definitions apply to this part?)

(b) The following words and terms, when used in §§ 51.11 and 51.13 in the context of major jurisdictional utility employees have the following meanings:

Black or African American (not Hispanic or Latino)—A person having origins in any of the black racial groups of Africa.

Asian (not Hispanic or Latino)—A person having origins in any of the original peoples of the Far East, southeast Asia, or the Indian subcontinent, includ-

ing, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.

Hispanic or Latino—A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.

Native American or Alaska Native (not Hispanic or Latino)—A person having origins in any of the original peoples of North and South America (including Central America) and who maintain tribal affiliation or community attachment.

Native Hawaiian or Pacific Islander (not Hispanic or Latino)—A person having origins in any of the peoples of Hawaii, Guam, Samoa or other Pacific Islands.

Two or more races (not Hispanic or Latino)—A person who identifies with more than one of the five races identified in this section.

White (not Hispanic or Latino)—A person having origins in any of the original peoples of Europe, the Middle East or North Africa.

(c) The following words and terms, when used in §§ 51.11 and 51.13 and in the Commission's Diversity Policy Statement at 52 Pa. Code §§ 69.801—69.809, in the context of a vendor with whom a major jurisdictional utility does business, have the following meanings, unless the context clearly indicates otherwise:

Exempt procurement—A product or service which may be removed from the dollar base used to establish minimum improvement levels, because of the demonstrated unavailability of a minority/women/people with disabilities/LGBTQ/veteran-owned business currently capable of supplying a product or service. the term may also include one or more of the following situations:

- (i) The vendor is the original equipment manufacturer.
- (ii) The vendor is the only known source of the product or service.
- (iii) A plant emergency situation dictates use of a specific vendor.
- (iv) The purchase is from an affiliate, corporate parent, or a subsidiary.
- (v) Default service procurement and implementation plans under 52 Pa. Code § 54.186 (relating to default service procurement and implementation plans).

MBE—Minority-owned business enterprise—A business enterprise that is at least 51% owned by a minority individual or group or individuals; or a publicly-owned business that has at least 51% of its stock owned by one or more minority individuals, and whose management and daily business operations are controlled by these individuals.

Minority—Black American, Hispanic American, Native American, Asian-Pacific American or any other socially disadvantaged individual as defined in 13 CFR 124.103 (relating to who is socially disadvantaged?).

WBE—Women-owned business enterprise—A business enterprise that is at least 51% owned by a woman or women; or a publicly owned business that has at least 51% of its stock owned by one or more women, and whose management and daily business operations are controlled by one or more women.

Authority

The provisions of this § 51.12 added under 66 Pa.C.S. §§ 501 and 504.

Source

The provisions of this § 51.1 added September 16, 2022, effective September 17, 2022, 52 Pa.B. 5934.

§ 51.13. Diversity reporting requirement.

(a) Each major jurisdictional utility shall file with the Secretary of the Commission by March 31 of each year, an annual report describing its diversity program activity for the prior year starting January 1 and ending December 31. The annual report shall contain the following elements:

(1) A copy of corporate policy committed to improving diversity in the workplace and in the procurement process.

(2) A description of training implemented on diversity initiatives in employment and in the contract of goods and services.

(3) The demographic composition of the major jurisdictional utility's workforce, reporting the number of employees by gender, race and ethnicity, LGBTQ, persons with disabilities and veterans, on a form, Demographics of Utility Workforce, to be provided by the Commission.

(4) A description of diversity recruiting strategies.

(5) A description of diversity promotion efforts.

(6) A description of diversity retention efforts.

(7) A brief description of involvement with organizations promoting diversity.

(8) A brief summary of MBEs/WBEs that the major jurisdictional utility contracts with for goods and services. Includes percentage of dollars spent with MBEs/WBEs versus businesses that are not MBEs/WBEs. Exempt procurements are excluded from this summary.

(b) This information and form shall be filed confidentially in conformance with the filing specifications at § 1.32 (relating to filing specifications), at a major jurisdictional utility's A-docket.

(c) The Commission will use all available remedies to ensure reporting compliance including fines.

(d) Reporting of persons with disability and LGBTQ status shall be confidential and voluntary on the part of the employee.

(e) The information and form filed shall be confidential.

Authority

The provisions of this § 51.13 added under 66 Pa.C.S. §§ 501 and 504.

Source

The provisions of this § 51.13 added September 16, 2022, effective September 17, 2022, 52 Pa.B. 5934.

Cross References

This section cited in 52 Pa. Code § 51.12 (relating to definitions).

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