

CHAPTER 55. NONCARRIER RATES AND PRACTICES

Subch.		Sec.
A.	DISCONTINUATION OF SERVICE	55.1
B.	TERMINATION OF UTILITY SERVICE TO HEALTH CARE FACILITIES	55.101

Source

The provisions of this Chapter 55 adopted January 30, 1976, effective January 31, 1976, 6 Pa.B. 162, unless otherwise noted.

Subchapter A. DISCONTINUATION OF SERVICE

Sec.	
55.1.	Definitions.
55.2.	Personal contact before utility service discontinued.
55.3.	Content of notice.
55.4.	Third-party notification program.
55.5.	Reporting requirements.
55.6.	Effective date.

Cross References

This subchapter cited in 52 Pa. Code § 55.115 (relating to coordination with other regulations).

§ 55.1. Definitions.

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

Emergency—An unforeseen combination of circumstances requiring temporary discontinuances of service in order to effect repairs or maintenance, or to eliminate an imminent threat to life, health, safety or property.

Personal contact—Personal contact means any of the following:

- (i) Contacting the customer in person or by telephone.
- (ii) Contacting in writing another person whom the customer has designated to receive a copy of any notice of disconnection, other than a member or employe of the Commission.
- (iii) If the customer has not made a designation, contacting in writing a community interest group or other entity, including local police departments, which previously agreed to receive a copy of the notice of disconnection and to attempt to contact the customer.
- (iv) If the customer has not made a designation and a community interest group or other entity has not previously agreed to receive a copy of the notice of disconnection, contacting in writing the Commission’s Harrisburg office.

Public utility—Persons or corporations now or hereafter owning or operating in this Commonwealth, equipment or facilities for any of the following:

- (i) Producing, generating, transmitting, distributing or furnishing natural or artificial gas, electricity or steam for the production of light, heat or power to or for the public for compensation.

(ii) Diverting, developing, pumping, impounding, distributing or furnishing water to or for the public for compensation.

(iii) Transporting or conveying natural or artificial gas, crude oil, gasoline or petroleum products, materials for refrigeration, or oxygen or nitrogen or other fluid substance, by pipe line or conduit, for the public for compensation.

(iv) Wastewater collection, treatment or disposal for the public for compensation.

Authority

The provisions of this § 55.1 amended under the Public Utility Code, 66 Pa.C.S. § 501.

Source

The provisions of this § 55.1 adopted January 30, 1976, effective January 31, 1976, 6 Pa.B. 162; amended October 29, 1976, effective October 30, 1976, 6 Pa.B. 2739; amended February 13, 1998, effective February 14, 1998, 28 Pa.B. 801. Immediately preceding text appears at serial pages (220809) to (220810).

Cross References

This section cited in 52 Pa. Code § 55.115 (relating to coordination with other regulations).

§ 55.2. Personal contact before utility service discontinued.

(a) A public utility service, as defined in this chapter, which is not subject to the requirements of Chapter 56 (relating to standards and billing practices for residential utility service), shall conform with the following:

(1) Except when required to prevent or alleviate an emergency or upon request of a customer, a public utility may not discontinue service without making personal contact with the customer at least 3 days prior to the discontinuance, in addition to providing other notice of discontinuance specified by the properly filed tariff of the public utility or as otherwise required by the Commission.

(2) The form of service termination found in subsection (b) shall be used.

(b) The following is the form of service termination notice:

SERVICE TERMINATION NOTICE*

(Name and address of Utility)

(Date)

(Customer's name)

(Customer's Billing Address)

(Phone Number)

(Account Number)

Dear Customer:

Under rules established by the Public Utility Commission we are notifying you that we intend to terminate _____ (type) _____ service to the premises at _____ (address of location where service is to be discontinued) on or after _____ (time) on _____ (date) . This action is being taken because your bill is _____ (time period) overdue in the amount of \$ _____.** You may avoid discontinuance of service by CALLING SERVICE REPRESENTATIVE AT _____ (TELEPHONE NUMBER) OR VISITING OUR OFFICE AT _____ (ADDRESS) to make payment arrangements.** YOU SHOULD ALSO CONTACT US AS SOON AS POSSIBLE IF YOU FEEL THAT YOU HAVE BEEN IMPROPERLY BILLED OR YOU NEED FURTHER INFORMATION. AFTER YOU HAVE DISCUSSED WITH US YOUR BILLING OR PAYMENT PROBLEM, IF YOU ARE NOT SATISFIED WITH THE ARRANGEMENTS FOR PAYMENT OF YOUR ACCOUNT, YOU HAVE A RIGHT TO CALL THE PENNSYLVANIA PUBLIC UTILITY COMMISSION AT THIS NUMBER— _____ (telephone number of appropriate regional office of the Commission's Bureau of Consumer Services)

FOR FURTHER INFORMATION AND ASSISTANCE. THE COMMISSION WILL HAVE STAFF AVAILABLE TO ATTEMPT TO MEDIATE YOUR BILLING PROBLEM IN ORDER TO AVOID TERMINATION.

Sincerely yours,

- * Type not to be smaller than 10 point.
- ** If termination is for a reason other than overdue bill (i.e. tampering with Company equipment) insert applicable reason and the action a ratepayer can take to avoid disconnection.

Authority

The provisions of this § 55.2 issued under the Public Utility Code, 66 Pa.C.S. §§ 501 and 1501.

Source

The provisions of this § 55.2 adopted January 30, 1976, effective January 31, 1976, 6 Pa.B. 162; amended October 29, 1976, effective October 30, 1976, 6 Pa.B. 2739; amended April 29, 1977, effective April 30, 1977, 7 Pa.B. 1174; amended October 14, 1977, effective September 3, 1977, 7 Pa.B. 3037; amended June 18, 1982, effective June 19, 1982, 12 Pa.B. 1862. Immediately preceding text appears at serial pages (37319) to (37320).

Cross References

This section cited in 52 Pa. Code § 55.115 (relating to coordination with other regulations).

§ 55.3. Content of notice.

If personal contact is made under the requirements of this chapter, the person, group, agency or other entity which is contacted shall be advised of the following:

- (1) The name, address and if known the telephone number, of the customer whose service is to be discontinued; the address of the location where service is to be discontinued.
- (2) The date and time after which service may be discontinued.
- (3) The reason for the proposed discontinuance of service.
- (4) The action that can be taken to avoid discontinuance.
- (5) The address and telephone number of the utility where billing adjustments may be made, bills paid or information obtained.
- (6) The address and telephone number of the nearest regional office and of the Harrisburg office of the Commission, where complaints may be filed seeking a stay of discontinuance, or where further information obtained.

Source

The provisions of this § 55.3 adopted January 30, 1976, effective January 31, 1976, 6 Pa.B. 162; amended October 29, 1976, effective October 30, 1976, 6 Pa.B. 2739.

Cross References

This section cited in 52 Pa. Code § 55.115 (relating to coordination with other regulations).

§ 55.4. Third-party notification program.

A utility shall institute and maintain a program in accordance with the following:

- (1) To allow customers to designate third parties to receive copies of notices of discontinuance of service for a customer or group of customers.
- (2) To advise customers of the availability of a third party notification program and to encourage their use thereof.
- (3) To solicit community interest groups and police to accept third party notices in order to assist in preventing unnecessary disconnections and protecting the public health and safety.

Source

The provisions of this § 55.4 adopted January 30, 1976, effective January 31, 1976, 6 Pa.B. 162; amended October 29, 1976, effective October 30, 1976, 6 Pa.B. 2739.

§ 55.5. Reporting requirements.

Within 15 days after the end of each quarter, an electric, gas and steam heat utility shall file with the Commission a report containing the following information for that quarter:

- (1) Total number of accounts, categorized by classification as commercial or industrial.
- (2) Number of overdue accounts, categorized as follows:
 - (i) By amount overdue—\$250 or less, \$251—\$500, \$501—\$1000, \$1001—\$2000, \$2001—\$4000, and more than \$4000.

- (ii) By time overdue—30 days or less, 31—60 days, 61—90 days, 91—120 days, and more than 120 days.
- (3) Total amount overdue.
- (4) Number of terminations completed, categorized as follows:
 - (i) By amount overdue—\$250 or less, \$251—\$500, \$501—\$1000, \$1001—\$2000, \$2001—\$4000, and more than \$4000.
 - (ii) By time overdue—30 days or less, 31—60 days, 61—90 days, 91—120 days, and more than 120 days.
 - (iii) By the first three digits of each account's zip code.

Source

The provisions of this § 55.5 adopted January 30, 1976, effective January 31, 1976, 6 Pa.B. 162; amended October 29, 1976, effective October 30, 1976, 6 Pa.B. 2739; amended December 24, 1976, effective December 25, 1976, 6 Pa.B. 3152; amended November 16, 1979, effective November 17, 1979, 9 Pa.B. 3797. Immediately preceding text appears at serial pages (37322) to (37324).

Cross References

This section cited in 52 Pa. Code § 55.6 (relating to effective date).

§ 55.6. Effective date.

- (a) This chapter is effective immediately, except that § 55.5 (relating to reporting requirements) is not effective until January 15, 1977, for the month ending December 31, 1976.
- (b) The information required by § 55.5 shall be submitted in a manner prescribed by, or on forms prepared by the Commission.

Source

The provisions of this § 55.6 adopted January 30, 1976, effective January 31, 1976, 6 Pa.B. 162; amended October 29, 1976, effective October 30, 1976, 6 Pa.B. 2739.

**Subchapter B. TERMINATION OF UTILITY SERVICE
TO HEALTH CARE FACILITIES**

- Sec.
- 55.101. Purpose.
 - 55.102. Definitions.
 - 55.103. Responsibility for identification of health care facilities subject to advance notice.
 - 55.104. Required 37-day notice before termination of service.
 - 55.105. Required 10-day notice before termination of service.
 - 55.106. Coordination of termination of utility service with regulatory agencies and termination date.
 - 55.107. Newly discovered health care facilities.
 - 55.108. Form of notice.
 - 55.109. Customer obligation upon receipt of service termination notice.
 - 55.110. Notice when dispute, informal complaint or formal complaint pending.

- 55.111. Days termination prohibited.
- 55.112. Use of termination notice solely as collection device prohibited.
- 55.113. Exception for terminations based on occurrences harmful to person or property.
- 55.114. Inconsistent tariff provisions.
- 55.115. Coordination with other regulations.

Authority

The provisions of Subchapter B issued under the Public Utility Code, 66 Pa.C.S. §§ 501, 1501 and 1504, unless otherwise noted.

Source

The provisions of Subchapter B adopted October 25, 1996, effective October 26, 1996, 26 Pa.B. 5111, unless otherwise noted.

§ 55.101. Purpose.

The purpose of this subchapter is to establish requirements for advance notice to health care facilities, and to the agencies of the Commonwealth that regulate the facilities, of termination of electric, gas, steam heat, water, sewer and local exchange telephone service to health care facilities. Advance notice of the termination of utility services is required so that alternative arrangements for the care of affected patients or residents who are dependent upon others due to permanent or temporary disabilities can be made by affected health care facilities, and by the agencies regulating them, prior to the actual cessation of utility services.

§ 55.102. Definitions.

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

Bureau—The Bureau of Consumer Services.

Designated individual—An employe or representative of a health care facility who will act on behalf of the facility to receive and take action on termination notices regarding utility service. The administrator or contact person identified on the listing provided by the Department of Aging, Health or Public Welfare is deemed the designated individual for purposes of this subchapter unless the health care facility specifically identifies a designated individual.

Dispute—A health care facility grievance regarding subjects such as credit determinations, deposit requirements, the accuracy of meter readings, bill amounts and the proper party to be charged, which remains unresolved after the initial contact or utility follow-up response where the health care facility consents to the utility reviewing pertinent records or other information and calling back. If, at the conclusion of the health care facility's initial contact or the utility follow-up response, the health care facility indicates satisfaction with the resulting resolution or explanation, the contact will not be considered a dispute.

A grievance regarding rate or service issues which does not involve potential termination of utility service will not be considered a dispute for purposes of this subchapter.

Emergency—An unforeseen combination of circumstances requiring temporary discontinuance of service in order to effect repairs or maintenance, or to eliminate an imminent threat to life, health, safety or property.

Health care facility—

(i) Inpatient and residential institutions, including the following, which serve persons who are dependent upon others because of permanent or temporary disabilities:

(A) A birth center, hospital or long-term care nursing facility as defined in section 802.1 of the Health Care Facilities Act (35 P. S. § 448.802a).

(B) Overnight residential schools, facilities and institutions which provide overnight care for dependent children, adults and mentally retarded persons (such as boarding homes for children, personal care homes, mental health establishments, intermediate care facilities for the mentally retarded and intermediate care facilities for other related conditions, but not child day care centers, adult training facilities, vocational facilities or private homes) which are supervised or licensed under Articles IX and X of the Public Welfare Code (62 P. S. §§ 901—922 and 1001—1059) by the Department of Public Welfare, the Department of Aging or the Department of Health.

(C) Domiciliary care homes as defined in section 2202-A of The Administrative Code of 1929 (71 P.S. § 581-2) for which the Department of Aging issues the certificate of operation.

(ii) The term does not include boarding schools, dormitories or similar facilities involving community living arrangements. The term does not include separately metered outpatient clinics or other outpatient facilities which are located on the site of an affiliated inpatient or residential health care facility or which are part of a commercial account of an inpatient or residential health care facility.

Regulatory agency—A governmental agency of the Commonwealth responsible for licensing, approving, supervising or certifying, for reimbursement purposes, health care facilities. Specifically, the Departments of Aging, Health and Public Welfare.

Termination of service—Cessation of service, whether temporary or permanent, without the consent of the affected health care facility.

Utility—An entity which provides electric, gas, steam heat, water, sewer or local exchange telephone service subject to the jurisdiction of the Commission.

§ 55.103. Responsibility for identification of health care facilities subject to advance notice.

(a) *Utility responsibility for existing customers.* The Commission's Bureau will obtain from the Departments of Aging, Health and Public Welfare current listings of the name, address, county, telephone number, and if available, the name of the administrator or contact person for each health care facility licensed by the respective regulatory agency. The Departments of Aging, Health and Public Welfare should each provide to the Commission's Bureau an annual revised and updated listing of licensed health care facilities. Each utility subject to this subchapter is responsible for identifying its customers from these listings and for appropriately coding its records so as to assure compliance with this subchapter.

(b) *Utility responsibility for new service applicants.* When a nonresidential applicant applies for utility service, the utility shall ascertain whether that applicant is a health care facility subject to this subchapter, code its records appropriately if the applicant is a health care facility and identify the name, job title or office, address, telephone number and facsimile number of a designated individual. The utility shall inform the health care facility of its continuing obligation to notify the utility of any change in information regarding the designated individual.

(c) *Health care facility responsibility.* The health care facility is responsible for providing to the utility a copy of its current license or operating certificate issued by its regulatory agency, if requested, so that the utility can verify the identification of the customer as a health care facility. The health care facility is responsible for providing to the utility current information regarding the designated individual, as well as informing the utility of any changes in this information. The health care facility is responsible for providing to the utility documentation and information within 10 days of the utility's request.

§ 55.104. Required 37-day notice before termination of service.

(a) *Thirty-seven day written notice to health care facilities.* Except when required to prevent or alleviate an emergency, a utility shall, at least 37 days before terminating service to a health care facility, send to the affected facility a service termination notice in the form specified in § 55.108 (relating to form of notice).

(b) *Thirty-seven day notice to agencies.* On the same day that a utility sends the 37-day notice to the health care facility as required by subsection (a), the utility shall also send a copy of the notice to the following:

- (1) The regulatory agency of the health care facility as identified on the listings available from the Commission's Bureau or from the license or operating certificate provided by the health care facility.
- (2) The Commission's Bureau.

(c) *Methods of serving the 37-day notice to health care facilities and to regulatory agencies.* Notice to an affected health care facility and involved agencies shall be given in writing using one of the following methods:

- (1) First class certified mail.
- (2) Hand delivery with acknowledgment of receipt.
- (3) Overnight express service with acknowledgment of receipt.
- (4) Facsimile or other electronic transmission which produces a written copy at the receiving location, if a written confirmatory copy is subsequently dispatched the same day by a method specified in paragraph (1), (2) or (3), and if prior consent is obtained from the health care facility.

(d) *Health care facilities failure to respond.* If a health care facility fails to accept service of the 37-day notice within 10 days after service as specified in subsection (c), the utility shall inform the Commission's Bureau by telephone or facsimile prior to proceeding further with the termination of service. Unless otherwise directed by the Bureau, the utility may then thereafter proceed with termination of service in accordance with this subchapter.

Cross References

This section cited in 52 Pa. Code § 55.105 (relating to required 10-day notice before termination of service).

§ 55.105. Required 10-day notice before termination of service.

(a) *Ten-day notice to health care facilities.* Except when required to prevent or alleviate an emergency, a utility may not terminate service without personally contacting the designated individual, or administrator of the health care facility when no designated individual is identified, at least 10 days prior to the expiration of the 37-day termination notice period required in § 55.104 (relating to required 37-day notice before termination of service). This 10-day notice shall be in addition to the 37-day notice required under § 55.104. To satisfy the requirement of 10-day personal contact:

- (1) The utility shall contact the designated individual, or the administrator of the health care facility if no designated individual is identified, in person or by telephone. For purposes of this subsection, leaving a message on an answering machine will not be deemed personal contact.
- (2) If the health care facility refuses to accept personal contact for more than 48 hours, the utility shall so inform the Commission's Bureau by telephone, letter or facsimile before proceeding further with termination of service. Unless otherwise directed by the Bureau, the utility may thereafter proceed with termination of service.

(b) *Ten-day notice to agencies.* On the same date a utility gives the 10-day notice to the health care facility as required by subsection (a), the utility shall also inform the involved regulatory agencies, utilizing a method specified in § 55.104(c).

§ 55.106. Coordination of termination of utility service with regulatory agencies and termination date.

The health care facility is responsible for cooperating with the involved regulatory agencies to ensure that there is a safe and orderly transfer of the residents or patients to alternative facilities prior to the scheduled date for termination of service. If residents or patients remain in the health care facility at the end of the 10-day termination period, the utility shall, at the request of the Commission's Bureau, continue to provide service for an additional 30 days or until the Bureau notifies the utility that all residents or patients are removed, whichever occurs first. Unless the Commission's Bureau makes a request, the utility may proceed with termination of service at the end of the 10-day period.

§ 55.107. Newly discovered health care facilities.

If a customer which had not been previously identified as a health care facility identifies itself as such in response to a notice of termination, the health care facility shall provide verification of its status to the utility within 3 days after being requested by the utility to do so. If the customer is a health care facility, the utility shall renotify the customer of termination under this subchapter. Thereafter, both the health care facility and the utility shall comply with the applicable provisions of this subchapter. If the customer does not provide the verification within the 3-day period, the utility may proceed with termination of service by serving a 48-hour notice.

§ 55.108. Form of notice.

The following form shall be used in providing the 37-day service termination notice required under this subchapter:

SERVICE TERMINATION NOTICE
TO HEALTH CARE FACILITY*

(Name and address of Utility)

(Date of notice)

(Customer's name)

(Customer's billing address)

(Customer's phone number)

(Customer's account number)

Under rules established by the Pennsylvania Public Utility Commission, we are notifying you that we intend to terminate (type of utility service) service to the premises at (address(es) of location(s) where service is to be terminated) on or after (time of day) on (date of scheduled service termination). This action is being taken because your (name of utility) utility service bill is overdue in the amount of \$(amount of overdue balance). You may avoid termination of service BY CALLING YOUR ACCOUNT OR CUSTOMER SERVICE REPRESENTATIVE AT (telephone number of utility account representative), OR VISITING OUR OFFICE AT (utility business office address) to make payment arrangements mutually acceptable to you and us.** Contact us at once if you believe for any reason that your service should not be terminated or if you need further information.

If after having discussed with us your billing, payment or other problem, you are not satisfied with the resolution proposed by us, YOU HAVE A RIGHT TO CALL THE PENNSYLVANIA PUBLIC UTILITY COMMISSION AT THIS NUMBER (telephone number of the Commission's Bureau of Consumer Services) FOR FURTHER INFORMATION AND ASSISTANCE. The Commission will have staff available to attempt to mediate your billing problem in order to avoid termination of your service. Mediation or negotiation may take considerable time and should not be postponed until just prior to service termination.

Notice of this termination is being given to the (name of involved regulatory agency) and to the Pennsylvania Public Utility Commission's Bureau of Consumer Services. Please cooperate with them in implementing an orderly shut down plan for your health care facility before the termination date stated above. It is your responsibility to have all patients or residents relocated to other facilities before the scheduled termination date.

Sincerely yours,

* Typeset for heading to be no smaller than 10 point.

** If termination is for a reason other than an overdue bill, e.g., tampering with company equipment, substitute applicable reason and the action the customer can take to avoid termination.

Cross References

This section cited in 52 Pa. Code § 55.104 (relating to required 37-day notice before termination of service).

§ 55.109. Customer obligation upon receipt of service termination notice.

Upon receipt of a 37-day service termination notice, a health care facility is expected to immediately contact its regulatory agency and the public utility involved to eliminate the reason for termination, establish payment terms, close down the health care facility or pursue other action as appropriate.

§ 55.110. Notice when dispute, informal complaint or formal complaint pending.

A utility may not serve any notice of termination if a dispute, informal complaint or formal complaint has been filed with the Commission and is unresolved if the subject matter of the dispute, informal complaint or formal complaint forms the grounds for the proposed termination. A notice of termination mailed or delivered in violation of this section is void. Pending resolution of a dispute, the utility is entitled to bill for and collect the undisputed portion of its utility bills.

§ 55.111. Days termination prohibited.

Except when required to prevent or alleviate an emergency, or upon request of the health care facility, a public utility may not terminate or authorize termination on the following days:

- (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 for any reason.
- (4) On a holiday observed by the Commission or on the day preceding the holiday.

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

A utility may not threaten to terminate service when it has no present intent to terminate service or when actual termination is prohibited. Notice of the intent to terminate shall be used only as a warning that service will in fact be terminated unless the health care facility remedies the situation which gave rise to the notice.

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

When a service termination is undertaken due to a situation which endangers the safety of a person or which may prove harmful to the facilities of the utility, the utility may terminate service without written notice if that the utility reasonably and in good faith believes the basis for termination to exist. At the time of the actual termination, the utility shall make a bona fide attempt to deliver a notice of termination to a responsible person at the affected premises and shall also notify the involved regulatory agency and the Commission's Bureau.

§ 55.114. Inconsistent tariff provisions.

A tariff provision inconsistent with this subchapter will be deemed inoperative and superseded by this subchapter.

§ 55.115. Coordination with other regulations.

(a) *Subchapter A (relating to discontinuation of service).* With respect to termination of utility service to health care facilities, this subchapter supersedes §§ 55.1—55.3 (relating to definitions; personal contact before utility service discounted; and content of notice).

(b) *Chapters 56 and 64 (relating to standards and billing practices for residential utility service; and standards and billing practices for residential telephone service).*

(1) When a dispute, informal complaint or formal complaint is filed, § 56.2 and Chapter 56, Subchapter F (relating to definitions; and disputes; termination disputes; informal and formal complaints) apply for electric, gas, water, sewer and steam heat utilities except to the extent specifically superseded in this subchapter. Section 64.2 and Chapter 64, Subchapter G (relating to definitions; and disputes; informal and formal complaints) apply for telephone utilities except to the extent specifically superseded in this subchapter.

(2) With respect to a residential account of a patient or resident in a health care facility, Chapters 56 and 64 apply.

[Next page is 56-1.]

55-14

(220822) No. 265 Dec. 96

Copyright © 1996 Commonwealth of Pennsylvania