

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

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**Source**

The provisions of this Chapter 56 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655, unless otherwise noted.

**Cross References**

This chapter cited in 52 Pa. Code § 1.21 (relating to appearance); 52 Pa. Code § 3.112 (relating to action on informal complaints); 52 Pa. Code § 53.69 (relating to fixed rate option); 52 Pa. Code § 54.9 (relating to complaint handling process); 52 Pa. Code § 54.37 (relating to approval); 52 Pa. Code § 54.38 (relating to regulatory assessments); 52 Pa. Code § 54.189 (relating to default service customers); 52 Pa. Code § 55.2 (relating to personal contact before utility service discontinued); 52 Pa. Code § 55.115 (relating to coordination with other regulations); 52 Pa. Code § 62.79 (relating to complaint handling process); 52 Pa. Code § 62.109 (relating to approval); 52 Pa. Code § 62.224 (relating to POR programs); 52 Pa. Code § 111.5 (relating to agent training); 52 Pa. Code § 111.9 (relating to door-to-door sales); and 52 Pa. Code § 111.10 (relating to telemarketing).

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

- Sec.  
56.1. Statement of purpose and policy.  
56.2. Definitions.

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

(a) This chapter establishes and enforces 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 while eliminating opportunities for customers capable of paying to avoid the timely payment of public utility bills and protecting against rate increases for timely paying customers resulting from other customers' delinquencies. Public utilities shall utilize the procedures in this chapter to effectively manage customer accounts to prevent the accumulation of large, unmanageable arrearages. 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.

(b) This subchapter and Subchapters B—K apply to electric distribution utilities, natural gas distribution utilities, wastewater utilities, steam heat utilities, small natural gas utilities and water distribution utilities. Subchapters L—V apply to all customers who have been granted protection from abuse orders 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.

**Authority**

The provisions of this § 56.1 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.1 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (367182).

**Notes of Decisions**

*Retail Services*

For a discussion of quality of residential electric service and billing in a retail environment, *Re Guidelines for Maintaining Customer Services*, 178 P.U.R. 4th 469 (July 11, 1997).

**§ 56.2. Definitions.**

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

*AMR—Automatic meter reading—*

(i) Metering using technologies that automatically read and collect data from metering devices and transfer that data to a central database for billing and other purposes.

(ii) The term does not include remote meter reading devices as defined by this section.

(iii) Meter readings by an AMR shall be deemed actual readings for the purposes of this chapter.

*Account balance—*The amount of current service which has been properly billed in addition to any accrued arrearages.

*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, 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 or natural gas 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.

(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.

*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 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.

*Discontinuance of service*—The cessation of service with the consent of the customer and otherwise in accordance with § 56.72 (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.

*Electric distribution utility*—An entity providing facilities for the jurisdictional transmission and distribution of electricity to retail customers, except building or facility owners or operators that manage the internal distribution system serving the building or facility and that supply electric power and other related electric power services to occupants of the building or facility.

*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 the public utility or a system the public utility is responsible for maintaining.

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

*Federal poverty level*—The poverty guidelines updated periodically in the *Federal Register* by the United States Department of Health and Human Services under the authority of section 673(2) of the Omnibus Budget Reconciliation Act (OBRA) of 1981 (42 U.S.C.A. § 9902(2)).

*Formal complaint*—A complaint filed before the Commission requesting a legal proceeding before a Commission administrative law judge or a mediation under the management of a Commission administrative law judge.

*Household income*—The combined gross income of all adults in a residential household who benefit from the public utility service.

*Informal complaint*—A complaint with the Commission submitted by a customer that does not involve a legal proceeding before a Commission administrative law judge or a mediation under the management of a Commission administrative law judge.

*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, and consistent with § 56.113 (relating to medical certifications), 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.

*Natural gas distribution utility*—

- (i) A city natural gas distribution operation or entity that provides natural gas distribution services and may provide natural gas supply services and other services.
- (ii) The term does not include the following:
  - (A) A public utility providing natural gas distribution services subject to the jurisdiction of the Commission that has annual gas operating revenues of less than \$6 million per year, except when the public utility voluntarily petitions the Commission to be included within this definition or when the public utility seeks to provide natural gas supply services to retail gas customers outside its service territory.
  - (B) A public utility providing natural gas distribution services subject to the jurisdiction of the Commission that is not connected to an interstate

gas pipeline by means of a direct connection or an indirect connection through the distribution system of another natural gas public utility or through a natural gas gathering system.

*Natural gas supply services*—

(i) The sale or arrangement of the sale of natural gas to retail gas customers and services that may be unbundled by the Commission under 66 Pa.C.S. § 2203(3) (relating to standards for restructuring of natural gas utility industry).

(ii) The term does not include natural gas distribution service.

*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*—An individual licensed in this Commonwealth by the State Board of Nursing as a certified registered nurse practitioner under 49 Pa. Code Chapter 21, Subchapter C (relating to certified registered nurse practitioners).

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

*Payment arrangement*—An 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 in this Commonwealth to practice medicine and surgery under 49 Pa. Code Chapter 17, Subchapter A (relating to licensure of medical doctors) or an individual licensed in this Commonwealth to practice osteopathic medicine and surgery under 49 Pa. Code Chapter 25, Subchapter A (relating to general provisions).

*Physician assistant*—An individual licensed by the State Board of Medicine in this Commonwealth as a physician assistant under 49 Pa. Code Chapter 18, Subchapter D (relating to physician assistants) or an individual licensed by the State Board of Osteopathic Medicine in this Commonwealth as a physician assistant under 49 Pa. Code Chapter 25, Subchapter C (relating to physician assistant provisions).

*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 restoration.

*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.

**Authority**

The provisions of this § 56.2 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—505, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.2 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended September 22, 1978, effective September 23, 1978, 8 Pa.B. 2632; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended February 28, 1986, effective March 1, 1986, 16 Pa. B. 597; amended February 13, 1998, effective February 14, 1998, 28 Pa.B. 801; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (367182) and (358939) to (358944).

**Notes of Decisions**

The utility did not improperly require customers to talk to the utility before filing a complaint with the Pennsylvania Public Utility Commission, where the regulations require the public utilities to attempt to resolve a dispute with a customer before any informal or formal complaint is filed with the Pennsylvania Public Utility Commission, and where the language used by the utility in its billing statement complied with 52 Pa. Code § 56.2. *Aronson v. Pennsylvania Public Utility Commission*, 740 A.2d 1208 (Pa. Cmwlth. 1999); appeal denied 751 A.2d 193 (Pa. 2000).

**Cross References**

This section cited in 52 Pa. Code § 55.115 (relating to coordination with other regulations); 52 Pa. Code § 56.91 (relating to general notice provisions and contents of termination notice); 52 Pa. Code § 56.140 (relating to follow-up response to inquiry); 52 Pa. Code § 56.164 (relating to termination pending resolution of the dispute); 52 Pa. Code § 56.191 (relating to payment and timing); 52 Pa. Code Chapter 56 Appendix C (relating to definitions (§ 56.231)); and 52 Pa. Code § 75.12 (relating to definitions).

**Subchapter B. BILLING AND PAYMENT STANDARDS****BILLING**

- Sec.
- 56.11. Billing frequency.
  - 56.12. Meter reading; estimated billing; customer readings.
  - 56.13. Billings for merchandise, appliances and nonrecurring and recurring services.
  - 56.14. Previously unbilled public utility service.
  - 56.15. Billing information.
  - 56.16. Transfer of accounts.
  - 56.17. Advance payments.

**PAYMENTS**

- 56.21. Payment.
- 56.22. Accrual of late payment charges.
- 56.23. Application of partial payments between public utility and other service.
- 56.24. Application of partial payments among several bills for public utility service.
- 56.25. Electronic bill payment.

**Cross References**

This subchapter cited in 52 Pa. Code § 56.1 (relating to statement of purpose and policy).

**BILLING****§ 56.11. 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 requirements:

(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 §§ 56.91—56.98.

(4) The electronic bill must include 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 to prevent access to customer account records by persons who are not properly authorized to have access.

**Authority**

The provisions of this § 56.11 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.11 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (358945) to (358946).

**Cross References**

This section cited in 52 Pa. Code § 54.153 (relating to reporting requirements); and 52 Pa. Code § 62.33 (relating to reporting requirements).

**§ 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.

(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 public 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 public 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, the public utility shall comply with § 56.14 (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 § 56.181(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 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.

(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).

(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.

(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).

#### Authority

The provisions of this § 56.12 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301, 1401—1419, 1501 and 1509.

#### Source

The provisions of this § 56.12 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended February 28, 1986, effective March 1, 1986, 16 Pa.B. 597; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (358946) to (358948).

#### Notes of Decisions

##### *Service*

Failure by a condominium to pay sales taxes for electricity and steam is not one of the enumerated reasons to permit a utility company to terminate service. *Philadelphia Electric Company v. Department of Revenue*, 538 A.2d 607 (Pa. Cmwlth. 1988).

##### *Sales Tax*

By requiring public utilities to prepay sales taxes for its nonresidential customers and then write off as a bad debt any such taxes it cannot collect from the customer, the Legislature did not violate equal protection. *Philadelphia Electric Company v. Department of Revenue*, 538 A.2d 607 (Pa. Cmwlth. 1988).

#### Cross References

This section cited in 52 Pa. Code § 54.153 (relating to reporting requirements); 52 Pa. Code § 56.97 (relating to procedures upon customer or occupant contact prior to termination); 52 Pa. Code § 56.116 (relating to duty of customer to pay bills); 52 Pa. Code § 56.191 (relating to payment and timing); and 52 Pa. Code § 62.33 (relating to reporting requirements).

### **§ 56.13. Billings for merchandise, appliances and nonrecurring and recurring services.**

Charges for other than basic service—that is, merchandise, appliances and special services, including merchandise and appliance installation, sales, rental and repair costs; meter testing fees; line extension costs; special construction charges

and other nonrecurring charges, except as provided in this chapter—must appear after charges for basic services and appear distinctly separate. This includes charges for optional recurring services which are distinctly separate and clearly not required for the physical delivery of service. Examples include line repair programs and appliance warranty programs. See § 56.83(3) (relating to unauthorized termination of service).

**Authority**

The provisions of this § 56.13 amended under the Public Utility Code, 66 Pa.C.S §§ 1401—1419.

**Source**

The provisions of this § 56.13 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; corrected September 21, 1990, effective October 15, 1988, 20 Pa.B. 4864; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial page (271615).

**§ 56.14. 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.
- (2) The period of the amortization may, at the option of the customer, extend at least as long as:
  - (i) The period during which the excess amount accrued.
  - (ii) Necessary so that the quantity of service billed in any one billing period is not greater than the normal estimated quantity for that period plus 50%.

**Authority**

The provisions of this § 56.14 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1401—1419, 1501 and 1504.

**Source**

The provisions of this § 56.14 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial pages (271615) to (271616).

**Cross References**

This section cited in 52 Pa. Code § 56.12 (relating to meter reading; estimated billing; customer readings); 52 Pa. Code § 56.41 (relating to general rule); 52 Pa. Code § 56.83 (relating to unauthorized termination of service); and 52 Pa. Code § 56.191 (relating to payment and timing).

**§ 56.15. Billing information.**

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

- (1) The beginning and ending dates of the billing period.
- (2) If applicable, the beginning and ending meter readings for the billing period. If a bill is estimated, it shall contain a clear and conspicuous marking of the word "Estimated."
- (3) The due date on or before which payment shall be made or the account will be delinquent.
- (4) The amount due for service rendered during the current billing period, specifying the charge for basic service, the energy or fuel adjustment charge, State tax adjustment surcharge if other than zero, State sales tax if applicable and other similar charges. The bills should also indicate that a State gross receipts tax is being charged and a reasonable estimate of the charge. A Class A utility shall include a statement of the dollar amount of total State taxes included in the current billing period charge. For the purpose of this paragraph, a Class A utility shall also include a Class A telephone utility as defined under § 63.31 (relating to classification of public utilities).
- (5) Amounts due for reconnection charges.
- (6) Amounts due for security deposits.
- (7) The total amount of payments and other credits made to the account during the current billing period.
- (8) The amount of late payment charges, designated as such, which have accrued to the account of the customer for failure to pay bills by the due date of the bill and which are authorized under § 56.22 (relating to accrual of late payment charges).
- (9) The total amount due.
- (10) A clear and conspicuous marking of estimates.
- (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) Electric distribution utilities and natural gas distribution utilities shall incorporate the requirements in §§ 54.4 and 62.74 (relating to bill format for residential and small business customers).

**Authority**

The provisions of this § 56.15 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1302, 1401—1419, 1504 and 1509.

**Source**

The provisions of this § 56.15 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended January 8, 1988, effective January 9, 1988, 18 Pa.B. 185; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial pages (271616) and (276015).

**Cross References**

This section cited in 52 Pa. Code § 54.2 (relating to definitions); 52 Pa. Code § 54.4 (relating to bill format for residential and small business customers); 52 Pa. Code § 62.72 (relating to definitions); 52 Pa. Code § 62.74 (relating to bill format for residential and small business customers); and 52 Pa. Code § 69.251 (relating to plain language—statement of policy).

**§ 56.16. 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. After a reasonable attempt to obtain meter access, if the public utility is not 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 § 56.91 (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 §§ 56.91—56.99 may continue at the new location.

(1) When notifications set forth under § 56.91 and § 56.95 (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 §§ 56.141—56.143 (relating to dispute procedures; time for filing an informal complaint; and effect of failure to timely file an informal complaint).

**Authority**

The provisions of this § 56.16 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1401—1419, 1501 and 1504.

**Source**

The provisions of this § 56.16 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial pages (276015) to (276016).

**§ 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, “non-low 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 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 arrangement 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 § 56.72(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.

(B) *Time frame.* The process evaluation should be undertaken during the middle of the first year; the impact evaluation at least by the end of the second year.

(4) Temporary service for short-term use, including installation and removal, with credit for reasonable salvage.

#### Authority

The provisions of this § 56.17 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1304, 1401—1419, 1501, 1504, 1509 and 2911.

#### Source

The provisions of this § 56.17 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended January 13, 1995, effective April 14, 1995, 25 Pa.B. 145; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (358952) to (358953).

## PAYMENTS

### § 56.21. 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.

#### Authority

The provisions of this § 56.21 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1401—1419, 1501, 1504 and 1509.

#### Source

The provisions of this § 56.21 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; corrected March 27, 1992, effective June 30, 1990, 22 Pa.B. 1426; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (358953) to (358954).

#### Notes of Decisions

##### *Equal Protection*

By requiring public utilities to prepay sales taxes for its nonresidential customers and then write off as a bad debt any such taxes it cannot collect from the customer, the Legislature did not violate equal protection. *Philadelphia Electric Company v. Department of Revenue*, 538 A.2d 607 (Pa. Cmwlth. 1988).

#### Cross References

This section cited in 52 Pa. Code § 56.22 (relating to accrual of late payment charges).

### § 56.22. 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 § 56.21 (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. The Commission may only order a waiver of late payment charges levied by a public utility as a result of a delinquent account for customers with a gross monthly household income not exceeding 150% of the Federal poverty level. See 66 Pa.C.S. § 1409 (relating to late payment charge waiver).

#### Authority

The provisions of this § 56.22 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1401—1419, 1501 and 1504.

#### Source

The provisions of this § 56.22 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial pages (337342) to (337343).

#### Notes of Decisions

##### *Conflict with Statute*

Since 42 Pa.C.S. § 8101 (relating to interest on judgments) limits postjudgment interest to 6% per year unless otherwise provided by another statute, it supersedes the regulation that provides for 18% interest per year on amounts owed to a public utility. *Equitable Gas Co. v. Wade*, 812 A.2d 715 (Pa. Super. 2002).

##### *Late Payment Charges*

In its monthly billing statements, the utility clearly instructed its customers to pay either the account balance or the optional payment amount by a certain date to avoid a specified late payment charge calculated at a certain monthly percentage rate, and thus the billing statements contained all of the information required by the regulations and the tariff approved by the Pennsylvania Public Utility Commission; moreover, the Pennsylvania Public Utility Commission had approved the specific language used in the monthly billing statements under the detailed “plain language” guidelines set forth in 52 Pa. Code § 69.251. *Aronson v. Pennsylvania Public Utility Commission*, 740 A.2d 1208 (Pa. Cmwlth. 1999); appeal denied 751 A.2d 193 (Pa. 2000).

#### Cross References

This section cited in 52 Pa. Code § 56.15 (relating to billing information); and 52 Pa. Code § 56.181 (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).

### **§ 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.

#### Authority

The provisions of this § 56.23 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1401—1419, 1501, 1504 and 1509.

**Source**

The provisions of this § 56.23 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (358955) to (358956).

**§ 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 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.

**Authority**

The provisions of this § 56.24 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.24 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (358956).

**§ 56.25. 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 to prevent access to customer account records by persons who are not properly authorized to have access.

**Authority**

The provisions of this § 56.25 issued under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419.

**Source**

The provisions of this § 56.25 adopted October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473.

**Subchapter C. CREDIT AND DEPOSITS STANDARDS POLICY****PROCEDURES FOR APPLICANTS**

- Sec.  
 56.31. Policy statement.  
 56.32. Security and cash deposits.  
 56.33. Third-party guarantors.  
 56.34. Deposits for temporary service.  
 56.35. Payment of outstanding balance.  
 56.36. Written procedures.  
 56.37. General rule.  
 56.38. Payment period for deposits by applicants.

**PROCEDURES FOR EXISTING CUSTOMERS**

- 56.41. General rule.  
 56.42. Payment period for deposits by customers.  
 56.43. [Reserved].

**CASH DEPOSITS**

- 56.51. Amount of cash deposit.  
 56.52. [Reserved].  
 56.53. Deposit hold period and refund.  
 56.54. [Reserved].  
 56.55. [Reserved].  
 56.56. Refund statement.  
 56.57. Interest rate.  
 56.58. Application of interest.  
 56.61—56.65. [Reserved].

**Cross References**

This subchapter cited in 52 Pa. Code § 56.1 (relating to statement of purpose and policy).

**PROCEDURES FOR APPLICANTS****§ 56.31. 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, age over 18 years of age, National origin, marital status, color, religious creed, ancestry, union membership, gender, sexual orientation, gender identity or expression, AIDS or HIV status, or disability.

**Authority**

The provisions of this § 56.31 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.31 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (358957) to (358958).

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

(a) 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 § 56.38 (relating to payment period for deposits by applicants), 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:

- (i) Nonpayment of an undisputed delinquent account.
- (ii) Failure to complete payment of a deposit, provide a guarantee or establish credit.
- (iii) Failure to permit access to meters, service connections or other property of the public utility for the purpose of replacement, maintenance, repair or meter reading.
- (iv) Unauthorized use of the public utility service delivered on or about the affected dwelling.
- (v) Failure to comply with the material terms of a payment arrangement.
- (vi) Fraud or material misrepresentation of identity for the purpose of obtaining public utility service.
- (vii) Tampering with meters, including bypassing a meter or removal of an AMR device or other public utility equipment.
- (viii) Violating tariff provisions on file with the Commission so as to endanger the safety of a person or the integrity of the delivery system of the public utility.

(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.

(b) Except for applicants who are subject to a deposit under subsection (a), a city natural gas distribution operation may require a deposit from the applicant as follows:

(1) When an applicant has household income above 300% of the Federal poverty level, a deposit of 1/6 of the applicant's estimated annual bill shall be paid in full at the time the city natural gas distribution operation determines a deposit is required.

(2) When an applicant has household income no greater than 300% of the Federal poverty level, 1/12 of the applicant's estimated annual bill shall be paid in full at the time the city natural gas distribution operation determines a deposit is required. Applicants who enroll into the customer assistance program made available by the city natural gas distribution operation are not subject to this paragraph.

(3) The Commission will permit a city natural gas distribution operation to refuse to provide service to an applicant when the applicant has a pending lien or civil judgment by the city natural gas distribution operation outstanding against the applicant or against property owned in whole or in part by the applicant unless the applicant enters into a payment arrangement for the payment of the amount associated with the lien or judgment that remains outstanding at the time of the application.

(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 periods under § 56.38. If the applicant chooses to pay the deposit in installments, installment payments must be paid in full by the due date. Failure to pay an installment in full by the due date is grounds for termination of service as provided in § 56.81 (relating to authorized termination of service).

(e) Notwithstanding subsection (a), a public utility may not require a cash deposit from an applicant who is, based upon household income, confirmed to be

eligible for a customer assistance program. An applicant is confirmed to be eligible for a customer assistance program by the public utility if the applicant provides income documents or other information attesting to his or her eligibility for state benefits based on household income eligibility requirements that are consistent with those of the public utility's customer assistance programs.

#### Authority

The provisions of this § 56.32 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1401—1419, 1501, 1504 and 1509.

#### Source

The provisions of this § 56.32 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (358958) to (358959).

#### Notes of Decisions

##### *Security Deposit*

A utility may not require a security deposit from a consumer based solely upon its determination that she has no prior credit history. No sanction will be imposed against the utility when the consumer is not entirely without fault in the utility's determination that a security deposit is necessary. *West Penn Power Co. v. Pennsylvania Public Utility Commission*, 521 A.2d 75 (Pa. Cmwlth. 1987).

#### Cross References

This section cited in 52 Pa. Code § 56.33 (relating to third-party guarantors); 52 Pa. Code § 56.38 (relating to payment period for deposits by applicants); and 52 Pa. Code § 56.53 (relating to deposit hold period and refund).

### § 56.33. Third-party guarantors.

If an applicant does not establish credit under § 56.32 (relating to security and cash deposits), the public utility shall provide residential service when one of the following requirements is satisfied:

- (1) *Cash deposit.* The applicant posts a cash deposit.
- (2) *Third-party guarantor.* This section does not preclude an applicant from furnishing a third-party guarantor in lieu of a cash deposit. The guaranty must be in writing and state the terms of the guaranty. The guarantor shall be responsible for all missed payments owed to the public utility. For the purposes of this section, the term "guarantor" means a third-party who has or can establish credit under § 56.32.

#### Authority

The provisions of this § 56.33 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504—506, 1301, 1401—1419 and 1501.

#### Source

The provisions of this § 56.33 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial page (263654).

**Cross References**

This section cited in 52 Pa. Code § 56.36 (relating to written procedures).

**§ 56.34. Deposits for temporary service.**

Deposits for applicants for temporary service may be required in accordance with § 53.82(1) (relating to deposits).

**Source**

The provisions of this § 56.34 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655.

**§ 56.35. Payment of outstanding balance.**

(a) 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 for which the applicant is legally responsible and for which the applicant was billed properly.

(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.

(2) A public utility may establish that an applicant 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 paragraph, used to determine the applicant's liability for any outstanding balance.

(3) Any outstanding residential account with the public utility may be amortized in accordance with § 56.191 (relating to payment and timing).

(c) This section does not affect the creditor rights and remedies of a public utility otherwise permitted by law.

**Authority**

The provisions of this § 56.35 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1401—1419, 1501—1504 and 1509.

**Source**

The provisions of this § 56.35 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended September 10, 1982, effective September 11, 1982, 12 Pa.B. 3093; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (358960) to (358961).

**Cross References**

This section cited in 52 Pa. Code § 56.36 (relating to written procedures); 52 Pa. Code § 56.83 (relating to unauthorized termination of service); and 52 Pa. Code § 56.142 (relating to time for filing an informal complaint).

**§ 56.36. Written procedures.**

(a) Public utilities shall include in their tariffs filed with the Commission their credit and application procedures along with a general description of their credit scoring methodology and standards.

(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 or she is, based upon household income, confirmed to be eligible for a customer assistance program a deposit is not required. The public utility shall inform the applicant of the procedures and documentation necessary to qualify for an exemption from a security deposit requirement.

(2) *Informing applicants of procedures.* 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.

**Authority**

The provisions of this § 56.36 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.36 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (358961) to (358962).

**§ 56.37. 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 bona fide attempt to provide service within 7 business days is permissible if street or sidewalk digging is required. 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 the construction of facilities to provide the public utility service.

**Authority**

The provisions of this § 56.37 amended under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419.

**Source**

The provisions of this § 56.37 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial page (246328).

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

(a) The due date for payment of a deposit or any installment payment toward a deposit, other than an initial installment or a deposit required as a condition for

the reconnection of service under § 56.41(2) (relating to general rule) may not be less than 21 days from the date of mailing or service on the applicant of notification of the amount due.

(b) An applicant required by a public utility to pay a deposit under § 56.32 (relating to security and cash deposits) or an applicant paying a deposit for the reconnection of service under § 56.41(2) may be required by the public utility to pay 50% prior to, and as a condition of, the reconnection of service with 25% billed 30 days after reconnection of service and 25% billed 60 days after the reconnection of service. The public utility shall inform the applicant of the option to pay the deposit in the installments described in this subsection. If the applicant chooses to pay the deposit in installments, installment payments must be paid in full by the due date. Failure to pay an installment by the due date is grounds for termination of service as provided in § 56.81 (relating to authorized termination of service). The applicant retains the option to pay the deposit amount in full before the due date regardless of any deposit installments previously paid.

#### Authority

The provisions of this § 56.38 issued under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504; amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

#### Source

The provisions of this § 56.38 adopted April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (358963).

#### Cross References

This section cited in 52 Pa. Code § 56.32 (relating to security and cash deposits).

### 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.

(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 § 56.14 (relating to previously unbilled public utility service) under the following conditions:

(A) The public utility has complied with § 56.14. Compliance with a payment 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 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 arrangement.

(4) *Cash deposit prohibition.* Notwithstanding paragraphs (1)—(3), a public utility may not require a customer that, based upon household income, is confirmed to be eligible for a customer assistance program to provide a cash deposit. A customer is confirmed to be eligible for a customer assistance program by the public utility when the customer provides income documents or other information that he or she is eligible for state benefits based upon household income eligibility requirements that are consistent with those of the public utility's customer assistance programs.

#### Authority

The provisions of this § 56.41 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1401—1419, 1501, 1504 and 1509.

**Source**

The provisions of this § 56.41 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (358963) to (358965).

**Cross References**

This section cited in 52 Pa. Code § 56.38 (relating to payment period for deposits by applicants); 52 Pa. Code § 56.42 (relating to payment period for deposits by customers); 52 Pa. Code § 56.53 (relating to deposit hold period and refund); and 52 Pa. Code § 56.83 (relating to unauthorized termination of service).

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

(a) *Due date.* The due date for payment of a deposit, other than a deposit required as a condition for the reconnection of service under § 56.41(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.

(b) *Delinquent account.* A customer paying a deposit under § 56.41(1) may elect to pay a required deposit in 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. If the customer chooses to pay the deposit in installments, installment payments must be paid in full by the due date. Failure to pay an installment by the due date is grounds for termination of service as provided in § 56.81 (relating to authorized termination of service). The customer retains the option to pay the deposit amount in full before the due date regardless of any deposit installments previously paid.

(c) *Reconnection of service.* A customer paying a deposit for the reconnection of service under § 56.41(2) may be required to pay 50% prior to, and as a condition of, the reconnection of service with 25% billed 30 days after reconnection of service and 25% billed 60 days after the reconnection of service. The public utility shall inform the customer of the option to pay the deposit in the installments described in this subsection. If the customer chooses to pay the deposit in installments, installment payments must be paid in full by the due date. Failure to pay an installment by the due date is grounds for termination of service as provided in § 56.81. The customer retains the option to pay the deposit amount in full before the due date regardless of any deposit installments previously paid.

(d) *Failure to comply with a payment arrangement.* A customer paying a deposit under § 56.41(3) may be required by the public utility to pay the deposit in 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. If the customer chooses to pay the deposit in installments, installment payments must be paid in full by the due date. Failure to pay an installment by the due date is grounds for termination of service as provided in § 56.81. The customer retains the option to pay the deposit amount in full before the due date regardless of any deposit installments previously paid.

**Authority**

The provisions of this § 56.42 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1304, 1401—1419, 1501, 1504 and 1509.

**Source**

The provisions of this § 56.42 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; corrected September 16, 1988, effective June 30, 1979, 18 Pa.B. 4245; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (358965).

**§ 56.43. [Reserved].****Source**

The provisions of this § 56.43 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; reserved October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial page (246330).

**CASH DEPOSITS****§ 56.51. Amount of cash deposit.**

(a) *Applicants.* A public utility may require a cash deposit equal to 1/6 of the applicant's estimated annual bill calculated on the basis of the annual bill to the dwelling at which service is being requested for the prior 12 months or, if unavailable, a similar dwelling in close proximity.

(b) *City natural gas operation.* A city natural gas distribution operation may require a cash deposit from an applicant with a household income no greater than 300% of the Federal poverty level in an amount not in excess of 1/12 of the applicant's estimated annual bill. A city natural gas operation may require a cash deposit from an applicant with a household income level above 300% of the Federal poverty level in the amount of 1/6 of the applicant's estimated annual bill. An estimated annual bill shall be calculated on the basis of the annual bill to the dwelling at which service is being requested for the prior 12 months or, if unavailable, a similar dwelling in close proximity.

(c) *Existing customers.* 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 water utilities and 2 months in the case of gas and electric utilities.

(d) *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.

**Authority**

The provisions of this § 56.51 amended under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419.

**Source**

The provisions of this § 56.51 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial page (246330).

**§ 56.52. [Reserved].****Source**

The provisions of this § 56.52 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; reserved April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250. Immediately preceding text appears at serial page (37341).

**§ 56.53. Deposit hold period and refund.**

(a) A public utility may hold a deposit until a timely payment history is established.

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

(d) If service is terminated before 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 any positive difference to the customer within 60 days of the termination.

(e) If a customer becomes delinquent before the end of the deposit holding period as established in subsection (a), the public utility may deduct the outstanding balance from the deposit.

(f) A public utility shall refund a deposit, along with any applicable interest, within 60 days upon determining that the customer or applicant from whom a deposit was collected is not subject to a deposit under § 56.32(e) (relating to security and cash deposits) or § 56.41(4) (relating to general rule).

**Authority**

The provisions of this § 56.53 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301, 1305, 1401—1419, 1501, 1504 and 1509.

**Source**

The provisions of this § 56.53 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (358967).

**Cross References**

This section cited in 52 Pa. Code § 56.55 (relating to periodic review).

**§ 56.54. [Reserved].****Authority**

The provisions of this § 56.54 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504; reserved under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419.

**Source**

The provisions of this § 56.54 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; reserved October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial page (246332).

**Cross References**

This section cited in 52 Pa. Code § 56.55 (relating to periodic review).

**§ 56.55. [Reserved].****Authority**

The provisions of this § 56.55 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504; reserved under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419.

**Source**

The provisions of this § 56.55 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; reserved October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial page (246332).

**§ 56.56. 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.

**Authority**

The provisions of this § 56.56 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1401—1419, 1501 and 1504.

**Source**

The provisions of this § 56.56 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial pages (246332) and (324549).

**§ 56.57. Interest rate.**

The public utility shall accrue interest on the deposit until it is returned or credited.

(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. A deposit initially accrues interest at the interest rate in effect at the time the deposit was required. This interest rate remains in effect until the end of the calendar year.

(3) On January 1 of each year, the new interest rate for that year will apply to the deposit. The new interest rate will be applied to the deposit for the calendar year starting January 1 until December 31 of that same year. Revised

interest rates are calculated every subsequent January 1 and applied to the deposit until the deposit is refunded or applied to the account.

**Authority**

The provisions of this § 56.57 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1401—1419, 1501, 1504, 1509 and 2911.

**Source**

The provisions of this § 56.57 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended January 13, 1995, effective April 14, 1995, 25 Pa.B. 145; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (358968) to (358969).

**§ 56.58. Application of interest.**

Interest shall be paid to the customer or, at the option of either the public utility or the customer, shall be applied to service bills.

**Authority**

The provisions of this § 56.58 amended under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419.

**Source**

The provisions of this § 56.58 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial page (324549).

**§§ 56.61—56.65. [Reserved].**

**Source**

The provisions of these §§ 56.61—56.65 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; reserved July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379. Immediately preceding text appears at serial pages (205743) to (205744) and (241289).

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

Sec.

- 56.71. Interruption of service.  
56.72. Discontinuance of service.

**Cross References**

This subchapter cited in 52 Pa. Code § 56.1 (relating to statement of purpose and policy).

**§ 56.71. 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 as are 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.

#### Authority

The provisions of this § 56.71 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1401—1419, 1501 and 1504.

#### Source

The provisions of this § 56.71 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial page (324550).

#### Cross References

This section cited in 52 Pa. Code § 56.93 (relating to personal contact); 52 Pa. Code § 65.5 (relating to interruptions of service); and 52 Pa. Code § 69.1601 (relating to general).

### § 56.72. 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 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.

(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 set forth 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 § 56.97 (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).

#### Authority

The provisions of this § 56.72 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1401—1419, 1501, 1504 and 1509.

#### Source

The provisions of this § 56.72 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (358970) to (358971).

#### Notes of Decisions

##### *Notice of Discontinuation*

In an action in which landlords alleged that the utility's disconnection of service without notification to them as owners of the property was negligent, unreasonable, and a violation of the Public Utility Commission's regulations, the court held that this regulation, which permits a public utility to discontinue service without prior written notice when the ratepayer (in this case, the tenants) request discontinuance of service, was reasonable and not an arbitrary execution of the agency's functions; this court would not rectify a landlord's failure to protect himself contractually by creating a statutory duty out of whole cloth for public utilities to provide notice to nonratepaying landlords. *Rohrbaugh v. Pennsylvania Public Utility Commission*, 727 A.2d 1080 (Pa. 1999).

#### Cross References

This section cited in 52 Pa. Code § 56.2 (relating to definitions); 52 Pa. Code § 56.17 (relating to advance payments); and 52 Pa. Code § 56.93 (relating to personal contact).

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

- Sec.  
56.81. Authorized termination of service.  
56.82. Timing of termination.  
56.83. Unauthorized termination of service.

**NOTICE PROCEDURES PRIOR TO TERMINATION**

- 56.91. General notice provisions and contents of termination notice.  
56.92. Notice when dispute pending.  
56.93. Personal contact.  
56.94. Procedures immediately prior to termination.  
56.95. Deferred termination when no prior contact.  
56.96. Post-termination notice.  
56.97. Procedures upon customer or occupant contact prior to termination.  
56.98. Immediate termination for unauthorized use, fraud, tampering or tariff violations.  
56.99. Use of termination notice solely as collection device prohibited.  
56.100. Winter termination procedures.  
56.101. [Reserved].

**EMERGENCY PROVISIONS**

- 56.111. General provision.  
56.112. Postponement of termination pending receipt of certificate.  
56.113. Medical certifications.  
56.114. Length of postponement; renewals.  
56.115. Restoration of service.  
56.116. Duty of customer to pay bills.  
56.117. Termination upon expiration of medical certification.  
56.118. Right of public utility to petition the Commission.  
56.121—56.126. [Reserved].

**THIRD-PARTY NOTIFICATION**

- 56.131. Third-party notification.

**Cross References**

This subchapter cited in 52 Pa. Code § 56.1 (relating to statement of purpose and policy).

**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:

- (1) Nonpayment of an undisputed delinquent account.
- (2) Failure to complete payment of a deposit, provide a guarantee of payment or establish credit.
- (3) Failure to permit access to meters, service connections or other property of the public utility for the purpose of replacement, maintenance, repair or meter reading.
- (4) Failure to comply with the material terms of a payment arrangement.

 **Authority**

The provisions of this § 56.81 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1401—1419, 1501, 1504 and 1509.

 **Source**

The provisions of this § 56.81 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (358973).

 **Cross References**

This section cited in 52 Pa. Code § 56.32 (relating to security and cash deposits); 52 Pa. Code § 56.38 (relating to payment period for deposits by applicants); 52 Pa. Code § 56.42 (relating to payment period for deposits by customers); 52 Pa. Code § 56.82 (relating to timing of termination); 52 Pa. Code § 56.91 (relating to general notice provisions and contents of termination notice); 52 Pa. Code § 56.100 (relating to winter termination procedures); 52 Pa. Code Chapter 56 Appendix C (relating to definitions (§ 56.231)); 52 Pa. Code § 56.118 (relating to right of public utility to petition the Commission); and 52 Pa. Code § 65.7 (relating to metered service).

 **§ 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 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).

 **Authority**

The provisions of this § 56.82 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1401—1419, 1501, 1504 and 1509.

 **Source**

The provisions of this § 56.82 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (358973) to (358974).

**Cross References**

This section cited in 52 Pa. Code § 56.118 (relating to right of public utility to petition the Commission); and 52 Pa. Code § 56.192 (relating to personnel available to restore service).

**§ 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:

(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 unless the public utility has, under § 56.35 (relating to payment of outstanding balance), established that the applicant or customer was an adult occupant at the same address during the time period the delinquent amount accrued.

(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 § 56.14 (relating to previously unbilled public utility service) and the customer has complied with § 56.41(1)(ii)(A) or (B) (relating to general rule).

(6) Noncompliance with a payment 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.

(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 or unless the public utility has, under § 56.35, established that the applicant or customer was an occupant at the same address during the time period the delinquent amount accrued. 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.

#### Authority

The provisions of this § 56.83 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1401—1419, 1501, 1504 and 1509.

#### Source

The provisions of this § 56.83 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (358974) to (358975).

#### Cross References

This section cited in 52 Pa. Code § 56.13 (relating to billings for merchandise; appliances and nonrecurring and recurring services); 52 Pa. Code § 56.118 (relating to right of public utility to petition the Commission); and 52 Pa. Code § 65.9 (relating to adjustment of bills for meter error).

### NOTICE PROCEDURES PRIOR TO TERMINATION

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

(a) Prior to terminating service for grounds authorized by § 56.81 (relating to authorized termination of service), a public utility shall provide written notice of the termination to the customer at least 10 days prior to the date of the proposed termination. The termination notice shall remain effective for 60 days. In the event of a user without contract as defined in § 56.2 (relating to definitions), the public utility shall comply with §§ 56.93—56.97, but need not 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 arrangement 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 arrangement is received.

(5) A statement that specifies that the notice is valid for 60 days.

(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 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."

(8) A medical certificate notice in compliance with the form in Appendix A (relating to medical emergency notice) except that, for the purpose of § 56.96 (relating to post-termination notice), the notice must comply with the form in Appendix B (relating to medical emergency notice).

(9) 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.

(10) Notices sent by electric and gas utilities threatening termination in the months of December, January, February and March must include information on the Federal poverty guidelines by household size, the protections available to customers at or below 250% of the Federal poverty level and the required documentation or information the customer shall supply to avoid termination.

(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.

(12) 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.

(13) Information indicating that all adult occupants of the premise whose names appear on the mortgage, deed or lease are considered "customers" and are responsible for payment of the bill.

(14) Information indicating that if service is shut off, an adult occupant who has been living at the premise may have to pay all or portions of the bill that accrued while the adult occupant lived there to have service turned back on.

(15) 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.

(16) 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 and that it may take up to 7 days to have the service turned back on.

(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.

#### Authority

The provisions of this § 56.91 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504—506, 1301, 1305, 1401—1419, 1501, 1504 and 1509.

#### Source

The provisions of this § 56.91 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (358975) to (358977).

#### Cross References

This section cited in 52 Pa. Code § 56.11 (relating to billing frequency); 52 Pa. Code § 56.16 (relating to transfer of accounts); 52 Pa. Code § 56.81 (relating to authorized termination of service); 52 Pa. Code § 56.94 (relating to procedures immediately prior to termination); 52 Pa. Code § 56.96 (relating to post-termination notice); 52 Pa. Code § 56.100 (relating to winter termination procedures); 52 Pa. Code § 56.117 (relating to termination upon expiration of medical certification); 52 Pa. Code § 56.118 (relating to right of public utility to petition the Commission); and 52 Pa. Code § 56.164 (relating to termination pending resolution of the dispute).

### § 56.92. 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.

#### Authority

The provisions of this § 56.92 amended under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419.

**Source**

The provisions of this § 56.92 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial page (297130).

**Notes of Decisions***Notice; Jurisdiction of Commission*

When the utility sent a termination notice more than 6 weeks before the petitioner filed his complaint with the Commission, the sending of the termination notice was not in violation of § 56.92. In addition, the sending of the termination notice did not invoke Commission jurisdiction. *Gasparro v. Public Utility Commission*, 814 A.2d 1282 (Pa. Cmwlth. 2003).

**Cross References**

This section cited in 52 Pa. Code § 56.11 (relating to billing frequency); 52 Pa. Code § 56.16 (relating to transfer of accounts); 52 Pa. Code § 56.81 (relating to authorized termination of service); 52 Pa. Code § 56.100 (relating to winter termination procedures); 52 Pa. Code § 56.118 (relating to right of public utility to petition the Commission); and 52 Pa. Code § 56.164 (relating to termination pending resolution of the dispute).

**§ 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, 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 another method.

(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.

(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. Electronic contact shall be deemed complete if, after attempted transmittal, no message is received indicating that the transmittal was undeliverable or otherwise not received. If the public utility receives notification that the transmittal was undeliverable or otherwise not received, the public utility shall

attempt to contact the customer either in person or by telephone, consistent with the requirements of this section.

(b) The content of the 3-day personal contact notice must include the earliest date at which termination may occur and 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.

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

#### Authority

The provisions of this § 56.93 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301, 1401—1419, 1501 and 1509.

#### Source

The provisions of this § 56.93 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (358978) to (358979).

#### Cross References

This section cited in 52 Pa. Code § 56.11 (relating to billing frequency); 52 Pa. Code § 56.16 (relating to transfer of accounts); 52 Pa. Code § 56.81 (relating to authorized termination of service); 52 Pa. Code § 56.91 (relating to general notice provisions and contents of termination notice); 52 Pa. Code § 56.94 (relating to procedures immediately prior to termination); 52 Pa. Code § 56.100 (relating to winter termination procedures); 52 Pa. Code § 56.117 (relating to termination upon expiration of medical certification); 52 Pa. Code § 56.118 (relating to right of public utility to petition the Commission); 52 Pa. Code § 56.164 (relating to termination pending resolution of the dispute); 52 Pa. Code § 56.191 (relating to payment and timing); and 52 Pa. Code Chapter 56 Appendix C (relating to definitions (§ 56.231)).

### § 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.

(1) *Termination prohibited in certain cases.* If evidence is presented which indicates that payment has been made, a serious illness or medical condition exists, or a dispute or complaint is properly pending or if the employee is authorized to receive payment and payment in full is tendered in any reasonable manner, then termination may not occur. However, if the disputing party does not pay all undisputed portions of the bill, termination may occur.

(2) *Methods of payment.* Payment in any reasonable manner includes payment by personal check unless the customer within the past year has tendered a check which has been returned for insufficient funds or for which payment has been stopped.

(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 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).

(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.

(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).

#### Authority

The provisions of this § 56.94 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1401—1419, 1501, 1504 and 1509.

#### Source

The provisions of this § 56.94 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended September 14, 1984, effective September 15, 1984, 14 Pa.B. 3364; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (358979) to (358980).

#### Cross References

This section cited in 52 Pa. Code § 56.11 (relating to billing frequency); 52 Pa. Code § 56.16 (relating to transfer of accounts); 52 Pa. Code § 56.81 (relating to authorized termination of service); 52 Pa. Code § 56.91 (relating to general notice provisions and contents of termination notice); 52 Pa. Code § 56.95 (relating to deferred termination when no prior contact); 52 Pa. Code § 56.100 (relating to winter termination procedures); 52 Pa. Code § 56.117 (relating to termination upon expiration of medical certification); 52 Pa. Code § 56.118 (relating to right of public utility to petition the Commission); and 52 Pa. Code § 56.164 (relating to termination pending resolution of the dispute).

### § 56.95. Deferred termination when no prior contact.

During the months of December through March, unless personal contact has been made with the customer or responsible adult by personally visiting the customer's residence, a public utility shall, 48 hours prior to the scheduled date of termination, post a notice of the proposed termination at the service location.

#### Authority

The provisions of this § 56.95 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1401—1419, 1501 and 1504.

#### Source

The provisions of this § 56.95 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial page (246342).

**Cross References**

This section cited in 52 Pa. Code § 56.11 (relating to billing frequency); 52 Pa. Code § 56.16 (relating to transfer of accounts); 52 Pa. Code § 56.81 (relating to authorized termination of service); 52 Pa. Code § 56.91 (relating to general notice provisions and contents of termination notice); 52 Pa. Code § 56.100 (relating to winter termination procedures); 52 Pa. Code § 56.117 (relating to termination upon expiration of medical certification); 52 Pa. Code § 56.118 (relating to right of public utility to petition the Commission); 52 Pa. Code § 56.164 (relating to termination pending resolution of the dispute); and 52 Pa. Code Chapter 56 Appendix C (relating to definitions (§ 56.231)).

**§ 56.96. Post-termination notice.**

When service is actually terminated, notice that reflects the requirements in § 56.91 (relating to general notice provisions and contents of termination notice) as well as a medical emergency notice in the form which appears in Appendix B (relating to medical emergency notice) shall be conspicuously posted or delivered to a responsible adult person or occupant at the residence of the customer and at the affected premises.

**Authority**

The provisions of this § 56.96 amended under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419.

**Source**

The provisions of this § 56.96 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial page (271617).

**Cross References**

This section cited in 52 Pa. Code § 56.2 (relating to definitions); 52 Pa. Code § 56.11 (relating to billing frequency); 52 Pa. Code § 56.16 (relating to transfer of accounts); 52 Pa. Code § 56.81 (relating to authorized termination of service); 52 Pa. Code § 56.91 (relating to general notice provisions and contents of termination notice); 52 Pa. Code § 56.117 (relating to termination upon expiration of medical certification); 52 Pa. Code § 56.118 (relating to right of public utility to petition the Commission); and 52 Pa. Code § 56.164 (relating to termination pending resolution of the dispute).

**§ 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, a public utility 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 arrangement.
  - (iii) Paying what is past-due on the most recent previous company negotiated or Commission payment arrangement.

(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 of the public utility to determine eligibility for a program and to apply for enrollment in a program.

(4) The medical emergency procedures.

(b) The public utility shall exercise good faith and fair judgment in attempting to enter a reasonable payment arrangement or otherwise equitably resolve the matter. Factors to be taken into account when attempting to enter into a reasonable payment 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 arrangements for heating customers shall be based upon budget billing as determined under § 56.12(8) (relating to meter reading; estimated billing; customer readings). If a payment arrangement 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.

(2) The procedures for resolving disputes and informal complaints, including the address and telephone number of the Commission: Public Utility Commission, Box 3265, Harrisburg, Pennsylvania 17105-3265, (800) 692-7380.

(3) The duty of the customer to pay any portion of a bill which the customer does not dispute.

#### Authority

The provisions of this § 56.97 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504—506, 1301, 1305, 1401—1419, 1501, 1504 and 1509.

#### Source

The provisions of this § 56.97 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended September 22, 1978, effective September 23, 1978, 8 Pa.B. 2632; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (358981) to (358982).

#### Cross References

This section cited in 52 Pa. Code § 56.11 (relating to billing frequency); 52 Pa. Code § 56.16 (relating to transfer of accounts); 52 Pa. Code § 56.17 (relating to advance payments); 52 Pa. Code § 56.72 (relating to discontinuance of service); 52 Pa. Code § 56.81 (relating to authorized termination of service); 52 Pa. Code § 56.91 (relating to general notice provisions and contents of termination notice); 52 Pa. Code § 56.118 (relating to right of public utility to petition the Commission); 52 Pa. Code § 56.164 (relating to termination pending resolution of the dispute); and 52 Pa. Code § 62.2 (relating to definitions).

### § 56.98. Immediate termination for unauthorized use, fraud, tampering or tariff violations.

(a) A public utility may immediately terminate service for any of the following actions by the customer:

(1) Unauthorized use of the service delivered on or about the affected dwelling.

(2) Fraud or material misrepresentation of the customer's identity for the purpose of obtaining service.

(3) Tampering with meters or other public utility equipment.

(4) Violating tariff provisions on file with the Commission which endanger the safety of a person or the integrity of the public utility's delivery system.

(b) Upon termination, the public utility shall make a good faith attempt to provide a post-termination notice to the customer or a responsible adult person or occupant at the affected premises. If providing a post-termination notice to the customer or responsible person at the affected premises is not possible, the public utility shall conspicuously post the notice at the affected premises. In the case of a single meter, multiunit dwelling, the public utility shall conspicuously post the notice at the dwelling, including in common areas when possible.

#### Authority

The provisions of this § 56.98 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1401—1419, 1501, 1504 and 2911.

#### Source

The provisions of this § 56.98 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended January 13, 1995, effective April 14, 1995, 25 Pa.B. 145; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial pages (271618) and (246345).

#### Cross References

This section cited in 52 Pa. Code § 56.11 (relating to billing frequency); 52 Pa. Code § 56.16 (relating to transfer of accounts); 52 Pa. Code § 56.81 (relating to authorized termination of service); 52 Pa. Code § 56.93 (relating to personal contact); 52 Pa. Code § 56.100 (relating to winter termination procedures); 52 Pa. Code § 56.118 (relating to right of public utility to petition the Commission); 52 Pa. Code § 56.164 (relating to termination pending resolution of the dispute); and 52 Pa. Code Chapter 56 Appendix C (relating to definitions (§ 56.231)).

### § 56.99. 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.

#### Authority

The provisions of this § 56.99 amended under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419.

#### Source

The provisions of this § 56.99 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial page (246345).

**Notes of Decisions**

A utility is not permitted to threaten to terminate service when it has no present intent to do so and it cannot use a termination notice as a device to collect a security deposit. *West Penn Power Co. v. Pennsylvania Public Utility Commission*, 521 A.2d 75 (Pa. Cmwlth. 1987).

**Cross References**

This section cited in 52 Pa. Code § 56.16 (relating to transfer of accounts); 52 Pa. Code § 56.81 (relating to authorized termination of service); and 52 Pa. Code § 56.118 (relating to right of public utility to petition the Commission).

**§ 56.100. Winter termination procedures.**

(a) *Water distribution utilities.* Notwithstanding any provision of this chapter, during the period of December 1 through March 31, water distribution utilities subject to this subchapter may not terminate heat related service between December 1 and March 31 except as provided in this section or § 56.98 (relating to immediate termination for unauthorized use, fraud, tampering or tariff violations).

(b) *Electric distribution and natural gas distribution utilities.* Unless otherwise authorized by the Commission, during the period of December 1 through March 31, an electric distribution utility or natural gas distribution utility may not terminate service to customers with household incomes at or below 250% of the Federal poverty level except as provided in this section or in § 56.98. The Commission will not prohibit an electric distribution utility or natural gas distribution utility from terminating service in accordance with this section to customers with household incomes exceeding 250% of the Federal poverty level.

(c) *City natural gas distribution utility.* In addition to the winter termination authority in subsection (b), a city natural gas distribution operation may terminate service after January 1 and before April 1 to a customer whose household income exceeds 150% of the Federal poverty level but does not exceed 250% of the Federal poverty level, and starting January 1, has not paid at least 50% of charges for each of the prior 2 months unless the customer has done one of the following:

- (1) Proven in accordance with Commission rules, that the household contains one or more persons who are 65 years of age or older.
- (2) Proven in accordance with Commission rules, that the household contains one or more persons 12 years of age or younger.
- (3) Obtained a medical certification, in accordance with Commission rules.
- (4) Paid to the city natural gas distribution operation an amount representing at least 15% of the customer's monthly household income for each of the last 2 months.

(d) *City natural gas distribution utility notice to the Commission.* At the time that the notice of termination required under § 56.91 (relating to general notice provisions and contents of termination notice) is provided to the customer, the city natural gas distribution operation shall provide notice to the Commission. The Commission will not stay the termination of service unless the Commission finds that the customer meets the criteria in subsection (c)(1), (2), (3) or (4).

(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 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.

#### Authority

The provisions of this § 56.100 issued under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1401—1419, 1501 and 1504; amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

#### Source

The provisions of this § 56.100 adopted April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (358984) to (358987).

#### Cross References

This section cited in 52 Pa. Code § 56.81 (relating to authorized termination of service).

### § 56.101. [Reserved].

#### Authority

The provisions of this § 56.101 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504—506, 1301, 1305, 1501 and 1504; reserved under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419.

**Source**

The provisions of this § 56.101 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379; reserved October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial pages (246346) and (337347).

**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, physician assistant, 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, physician assistant or nurse practitioner 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, 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.

**Authority**

The provisions of this § 56.111 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.111 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (358987) to (358988).

**Notes of Decisions***Landlord's Failure to Pay*

Emergency provisions found at 52 Pa. Code §§ 56.111—56.118 do apply to tenants where service is to be or has been terminated due to the landlord's failure to pay his bill, and take precedence over the more general Landlord-Tenant provisions of 66 Pa.C.S. §§ 1521—1533 (relating to discontinuance of service to lease premises) and the accompanying regulations at 52 Pa. Code §§ 56.121—56.126. *Tenant Action Group v. Pennsylvania Public Utility Commission*, 514 A.2d 1003 (Pa. Cmwlth. 1986).

*Nonchronic Illness*

Emergency medical provisions, which provide for medical certifications to prevent termination of gas service, apply to long-term and short-term nonchronic illnesses. *Jackson v. Pennsylvania Public Utility Commission*, 522 A.2d 1187 (Pa. Cmwlth. 1987); appeal denied 536 A.2d 1335 (Pa. 1987).

**§ 56.112. 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 pro-

cured, 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 where it was suspended.

#### Authority

The provisions of this § 56.112 amended under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419.

#### Source

The provisions of this § 56.112 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial page (337348).

#### Notes of Decisions

##### *Nonchronic Illnesses*

Emergency medical provisions, which provide for medical certifications to prevent termination of gas service, apply to long-term and short-term nonchronic illnesses. *Jackson v. Pennsylvania Public Utility Commission*, 522 A.2d 1187 (Pa. Cmwlth. 1987); appeal denied 536 A.2d 1335 (Pa. 1987).

#### Cross References

This section cited in 52 Pa. Code § 56.114 (relating to length of postponement; renewals); and 52 Pa. Code § 56.115 (relating to restoration of service).

### § 56.113. Medical certifications.

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. 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 anticipated length of the affliction.
- (4) The name, office address and telephone number of the certifying physician, nurse practitioner or physician assistant.
- (5) The signature of the certifying physician, nurse practitioner or physician assistant.

#### Authority

The provisions of this § 56.113 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1401—1419, 1501, 1504 and 1509.

#### Source

The provisions of this § 56.113 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (358989).

**Notes of Decisions***Nonchronic Illnesses*

Emergency medical provisions, which provide for medical certifications to prevent termination of gas service, apply to long-term and short-term nonchronic illnesses. *Jackson v. Pennsylvania Public Utility Commission*, 522 A.2d 1187 (Pa. Cmwlth. 1987); appeal denied 536 A.2d 1335 (Pa. 1987).

**Cross References**

This section cited in 52 Pa. Code § 56.2 (relating to definitions); and 52 Pa. Code § 56.114 (relating to length of postponement; renewals).

**§ 56.114. 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 §§ 56.112 and 56.113 (relating to postponement of termination pending receipt of certificate; and medical certifications) and this section if the customer has met the obligation under § 56.116 (relating to duty of customer to pay bills). In instances when a customer has not met the obligation in § 56.116 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 § 56.118(3) (relating to right of public utility to petition the Commission). The public utility shall apply the dispute procedures in §§ 56.151 and 56.152 (relating to public utility company dispute procedures). When the customer eliminates these arrearages, the customer is eligible to file new medical certificates.

**Authority**

The provisions of this § 56.114 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504—506, 1301, 1305, 1401—1419, 1501 and 1504.

**Source**

The provisions of this § 56.114 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial page (337349).

**Notes of Decisions***Nonchronic Illnesses*

Emergency medical provisions, which provide for medical certifications to prevent termination of gas service, apply to long-term and short-term nonchronic illnesses. *Jackson v. Pennsylvania Public Utility Commission*, 522 A.2d 1187 (Pa. Cmwlth. 1987); appeal denied 536 A.2d 1335 (Pa. 1987).

**Cross References**

This section cited in 52 Pa. Code § 56.115 (relating to restoration of service).

**§ 56.115. Restoration of service.**

When service is required to be restored under this section and §§ 56.114, 56.116—56.118 and 56.191, 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.

**Authority**

The provisions of this § 56.115 amended under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419.

**Source**

The provisions of this § 56.115 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial page (337350).

**§ 56.116. Duty of customer to pay bills.**

Whenever service is restored or termination postponed under the medical emergency procedures, the customer shall retain a duty to make payment on all current undisputed bills or budget billing amount as determined under § 56.12(8) (relating to meter reading; estimated billing; customer readings).

**Authority**

The provisions of this § 56.116 amended under the Public Utility Code, 66 Pa.C.S. § 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.116 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (358991).

**Notes of Decisions***Nonchronic Illnesses*

Emergency medical provisions, which provide for medical certifications to prevent termination of gas service, apply to long-term and short-term nonchronic illnesses. *Jackson v. Pennsylvania Public Utility Commission*, 522 A.2d 1187 (Pa. Cmwlth. 1987); appeal denied 536 A.2d 1335 (Pa. 1987).

**Cross References**

This section cited in 52 Pa. Code § 56.114 (relating to length of postponement; renewals); 52 Pa. Code § 56.115 (relating to restoration of service); and 52 Pa. Code § 56.118 (relating to right of public utility to petition the Commission).

**§ 56.117. 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 § 56.91 (relating to general notice provisions and contents of termination notice). The public utility shall comply with §§ 56.93—56.96.

**Authority**

The provisions of this § 56.117 amended under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419.

**Source**

The provisions of this § 56.117 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial pages (337350) to (337351).

**Notes of Decisions***Nonchronic Illnesses*

Emergency medical provisions, which provide for medical certifications to prevent termination of gas service, apply to long-term and short-term nonchronic illnesses. *Jackson v. Pennsylvania Public Utility Commission*, 522 A.2d 1187 (Pa. Cmwlth. 1987); appeal denied 536 A.2d 1335 (Pa. 1987).

**Cross References**

This section cited in 52 Pa. Code § 56.115 (relating to restoration of service).

**§ 56.118. 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 §§ 56.81—56.83 and 56.91—56.99 when the customer has not met the duty under § 56.116 (relating to duty of customer to pay bills), provided that the public utility has informed the customer of that duty under § 56.116.

(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.

(c) Upon the filing of a petition for waiver of medical certification, Commission staff will review the facts and issue an informal written decision.

(d) A party to the proceeding may, within 20 days of mailing of the informal decision, and not thereafter except for good cause shown, appeal by filing with the Secretary of the Commission a letter stating the basis for appeal. An appeal from the informal decision will be assigned to the Office of Administrative Law Judge for hearing and decision.

**Authority**

The provisions of this § 56.118 issued under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504; amended under the Public Utility Code, 66 Pa.C.S. §§ 331—335, 501, 701—703, 1301, 1401—1419 and 1501—1511.

**Source**

The provisions of this § 56.118 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended January 19, 1990, effective January 20, 1990, 20 Pa.B. 278; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (358992) to (358993).

**Notes of Decisions***Nonchronic Illnesses*

Emergency medical provisions, which provide for medical certifications to prevent termination of gas service, apply to long-term and short-term nonchronic illnesses. *Jackson v. Pennsylvania Public Utility Commission*, 522 A.2d 1187 (Pa. Cmwlth. 1987); appeal denied 536 A.2d 1335 (Pa. 1987).

**Cross References**

This section cited in 52 Pa. Code § 56.114 (relating to length of postponement; renewals); and 52 Pa. Code § 56.115 (relating to restoration of service).

**§ 56.121. [Reserved].****Source**

The provisions of this § 56.121 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; reserved July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379. Immediately preceding text appears at serial pages (205764) to (205765).

**Notes of Decisions***Landlord's Failure to Pay*

Emergency provisions found at 52 Pa. Code §§ 56.111—56.118 do apply to tenants where service is to be or has been terminated due to the landlord's failure to pay his bill, and take precedence over the more general Landlord-Tenant provisions of 66 Pa.C.S. §§ 1521—1533 (relating to discontinuance of service to leased premises) and the accompanying regulations at 52 Pa. Code §§ 56.121—56.126. *Tenant Action Group v. Pennsylvania Public Utility Commission*, 514 A.2d 1003 (Pa. Cmwlth. 1986).

**§§ 56.122—56.126. [Reserved].****Source**

The provisions of these §§ 56.122—56.126 adopted April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; reserved July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379. Immediately preceding text appears at serial (205765) to (205770) and (220827).

**Notes of Decisions***Landlord's Failure to Pay*

Emergency provisions found at 52 Pa. Code §§ 56.111—56.118 do apply to tenants where service is to be or has been terminated due to the landlord's failure to pay his bill, and take precedence over the more general Landlord-Tenant provisions of 66 Pa.C.S. §§ 1521—1533 (relating to discontinu-

ance of service to leased premises) and the accompanying regulations at 52 Pa. Code §§ 56.121—56.126. *Tenant Action Group v. Pennsylvania Public Utility Commission*, 514 A.2d 1003 (Pa. Cmwlth. 1986).

### THIRD-PARTY NOTIFICATION

#### § 56.131. 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.
- (3) To solicit community groups to accept third-party notices to assist in preventing unnecessary terminations and protecting the public health and safety.
- (4) To make available a standard enrollment form in compliance with the form in Appendix E (relating to third-party notification).

#### Authority

The provisions of this § 56.131 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1401—1419, 1501 and 1504.

#### Source

The provisions of this § 56.131 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial pages (263661) and (339437).

#### Cross References

This section cited in 52 Pa. Code Chapter 56 Appendix C (relating to definitions (§ 56.231)).

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

- Sec.  
56.140. Follow-up response to inquiry.  
56.141. Dispute procedures.  
56.142. Time for filing an informal complaint.  
56.143. Effect of failure to timely file an informal complaint.

**PUBLIC UTILITY COMPANY DISPUTE PROCEDURES**

- 56.151. General rule.  
56.152. Contents of the public utility company report.

**INFORMAL COMPLAINT PROCEDURES**

- 56.161. [Reserved].  
56.162. Informal complaint filing procedures.  
56.163. Commission informal complaint procedure.  
56.164. Termination pending resolution of the dispute.  
56.165. Conference procedures.  
56.166. Informal complaints.

**FORMAL COMPLAINTS**

- 56.171. General rule.  
56.172. Filing.  
56.173. Review from formal complaint decisions of the Bureau of Consumer Services.  
56.174. Ability to pay proceedings.

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

- 56.181. Duties of parties; disputing party's duty to pay undisputed portion of bills; public utility's duty to pay interest whenever overpayment found.

**Cross References**

This subchapter cited in 52 Pa. Code § 54.153 (relating to reporting requirements); 52 Pa. Code § 55.115 (relating to coordination with other regulations); 52 Pa. Code § 56.1 (relating to statement of purpose and policy); and 52 Pa. Code § 65.10 (relating to disputed bills).

**GENERAL PROVISIONS****§ 56.140. Follow-up response to inquiry.**

When a customer is waiting for a follow-up response to an initial inquiry under § 56.2 (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.

**Authority**

The provisions of this § 56.140 issued under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301 and 1501; amended under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419.

**Source**

The provisions of this § 56.140 adopted July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial page (339438).

**§ 56.141. 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 § 56.151 (relating to general rule).

(2) *Termination stayed.* Except as otherwise provided in this chapter, when a termination dispute or complaint has been properly filed in accordance with this subchapter, termination shall be prohibited until resolution of the dispute or complaint. However, the disputing party shall pay undisputed portions of the bill.

**Authority**

The provisions of this § 56.141 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1401—1419, 1501 and 1504.

**Source**

The provisions of this § 56.141 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial pages (339438) and (337353).

**Notes of Decisions***Attempted Resolution*

The utility did not improperly require customers to talk to the utility before filing a complaint with the Pennsylvania Public Utility Commission, where the regulations require the public utilities to attempt to resolve a dispute with a customer before any informal or formal complaint is filed with the Pennsylvania Public Utility Commission, and where the language used by the utility in its billing statement complied with 52 Pa. Code § 56.2. *Aronson v. Pennsylvania Public Utility Commission*, 740 A.2d 1208 (Pa. Cmwlth. 1999); appeal denied 751 A.2d 193 (Pa. 2000).

**Cross References**

This section cited in 52 Pa. Code § 56.16 (relating to transfer of accounts); 52 Pa. Code § 62.224 (relating to POR programs); and 52 Pa. Code § 111.13 (relating to customer complaints).

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

To be timely filed, an informal complaint—which may not include disputes under §§ 56.35 and 56.191 (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.

**Authority**

The provisions of this § 56.142 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504—506, 1301, 1305, 1401—1419, 1501 and 1504.

**Source**

The provisions of this § 56.142 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial page (337353).

**Cross References**

This section cited in 52 Pa. Code § 56.16 (relating to transfer of accounts).

**§ 56.143. 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.

**Authority**

The provisions of this § 56.143 amended under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419.

**Source**

The provisions of this § 56.143 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial pages (337353) to (337354).

**Cross References**

This section cited in 52 Pa. Code § 56.16 (relating to transfer of accounts).

**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 arrangement if the customer or occupant is eligible for a payment arrangement and claims a temporary inability to pay an undisputed bill. Factors which shall be considered in the negotiation of a payment arrangement include, but are not limited to:
  - (i) The size of the unpaid balance.
  - (ii) The ability of the customer to pay.
  - (iii) The payment history of the customer.
  - (iv) The length of time over which the bill accumulated.
- (4) Provide the customer or occupant with the information necessary for an informed judgment, including, but not limited to, relevant portions of tariffs, statements of account and results of meter tests.
- (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.

**Authority**

The provisions of this § 56.151 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504—506, 1301, 1305, 1401—1419, 1501, 1504 and 1509.

**Source**

The provisions of this § 56.151 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (367184) to (367185).

**Cross References**

This section cited in 52 Pa. Code § 54.153 (relating to reporting requirements); 52 Pa. Code § 56.114 (relating to length of postponement; renewals); 52 Pa. Code § 56.141 (relating to dispute procedures); 52 Pa. Code § 57.177 (relating to customer dispute procedures); 52 Pa. Code § 59.97 (relating to customer dispute procedures); 52 Pa. Code § 62.33 (relating to reporting requirements); 52 Pa. Code § 62.224 (relating to POR programs); 52 Pa. Code § 69.265 (relating to CAP design elements); and 52 Pa. Code § 111.13 (relating to customer complaints).

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

A public utility company report must include the following:

- (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.
- (2) The position of the public utility regarding that claim.
- (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.
- (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.
- (5) The office where payment may be made or information obtained listing the appropriate telephone number and address of the public utility.
- (6) A full and complete explanation of procedures for filing an informal complaint with the Commission (see § 56.162 (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 § 56.162(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.
- (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 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 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.

#### Authority

The provisions of this § 56.152 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504—506, 1301, 1305, 1401—1419, 1501, 1504 and 1509.

#### Source

The provisions of this § 56.152 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (367185) to (367186).

#### Cross References

This section cited in 52 Pa. Code § 56.100 (relating to winter termination procedures); 52 Pa. Code § 56.114 (relating to length of postponement; renewals); 52 Pa. Code § 56.118 (relating to right of public utility to petition the Commission); 52 Pa. Code § 56.151 (relating to general rule); 52 Pa. Code § 57.177 (relating to customer dispute procedures); 52 Pa. Code § 59.97 (relating to customer dispute procedures); 52 Pa. Code § 69.265 (relating to CAP design elements); and 52 Pa. Code § 111.13 (relating to customer complaints).

## INFORMAL COMPLAINT PROCEDURES

### § 56.161. [Reserved].

#### Source

The provisions of this § 56.161 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; reserved October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial page (271620).

#### Cross References

This section cited in 52 Pa. Code § 56.100 (relating to winter termination procedures); 52 Pa. Code § 56.165 (relating to conference procedures); 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering); and 52 Pa. Code § 69.265 (relating to CAP design elements).

**§ 56.162. Informal complaint filing procedures.**

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

- (1) The name and address of the complainant and, if different, the address at which service is provided.
- (2) The telephone number of the complainant.
- (3) The account number of the complainant, if applicable.
- (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. The complainant shall affirm having first contacted the public utility for the purpose of resolving the problem about which the complainant wishes to file a complaint. If the complainant has not contacted the public utility, the Commission shall direct the complainant to the public utility.
- (7) Whether the dispute formerly has been the subject of a Commission informal or formal complaint.
- (8) The date, if any, of proposed termination.
- (9) The relief sought.

**Authority**

The provisions of this § 56.162 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301, 1401—1419 and 1501.

**Source**

The provisions of this § 56.162 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial pages (271620), (267657) and (252041).

**Cross References**

This section cited in 52 Pa. Code § 3.111 (relating to form and content of informal complaints); 52 Pa. Code § 56.100 (relating to winter termination procedures); 52 Pa. Code § 56.152 (relating to contents of the public utility company report); 52 Pa. Code § 56.165 (relating to conference procedures); 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering); and 52 Pa. Code § 69.265 (relating to CAP design elements).

**§ 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.

(2) *Settlement.* Prior to the issuance of an informal decision, Commission staff may facilitate discussions between the parties in an effort to settle the dispute. If a settlement is reached, Commission staff will confirm that all parties understand the terms of the settlement and document the informal complaint as closed.

(3) *Resolution.* Commission staff resolution of informal complaints is binding upon the parties unless formal proceedings are initiated under §§ 56.171—56.174 (relating to formal complaints).

#### Authority

The provisions of this § 56.163 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1401—1419, 1501, 1504 and 1509.

#### Source

The provisions of this § 56.163 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359001) to (359002).

#### Notes of Decisions

The statute of limitations did not run during the period of time which the Bureau of Consumer Services was investigating the ratepayers informal complaint. *Duquesne Light Co. v. Pennsylvania Public Utility Commission*, 611 A.2d 370 (Pa. Cmwlth. 1992).

#### Cross References

This section cited in 52 Pa. Code § 56.100 (relating to winter termination procedures); 52 Pa. Code § 56.165 (relating to conference procedures); 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering); and 52 Pa. Code § 69.265 (relating to CAP design elements).

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

In any case alleging unauthorized use of public utility service, as defined in § 56.2 (relating to definitions), or the customer's failure to pay undisputed bills as required under § 56.181 (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 §§ 56.91—56.98, whether or not a dispute is pending.

**Authority**

The provisions of this § 56.164 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1401—1419, 1501 and 1504.

**Source**

The provisions of this § 56.164 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial page (252042).

**Cross References**

This section cited in 52 Pa. Code § 56.100 (relating to winter termination procedures); 52 Pa. Code § 56.165 (relating to conference procedures); 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering); and 52 Pa. Code § 69.265 (relating to CAP design elements).

**§ 56.165. Conference procedures.**

Conferences held under §§ 56.161—56.164 and this section will be informal and may be held by conference telephone call, when appropriate. If the parties are to be present, the conferences will take place within reasonable proximity to the situs of the complaint.

**Authority**

The provisions of this § 56.165 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1401—1419, 1501 and 1504.

**Source**

The provisions of this § 56.165 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial pages (252042) to (252043).

**Cross References**

This section cited in 52 Pa. Code § 56.100 (relating to winter termination procedures); 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering); and 52 Pa. Code § 69.265 (relating to CAP design element).

**§ 56.166. Informal complaints.**

The Commission delegates to the Bureau of Consumer Services (BCS) the primary authority to resolve customer, applicant or occupant informal complaints

arising under this chapter. The BCS, through its Director and with the concurrence of the Commission, will establish appropriate internal procedures to implement this chapter.

(1) The Commission will accept complaints only from complainants who affirm that they have first contacted the public utility for the purpose of resolving the problem about which the complainant wishes to file a complaint. If the complainant has not contacted the public utility, the Commission will direct the complainant to the public utility.

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

#### Authority

The provisions of this § 56.166 issued under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419.

#### Source

The provisions of this § 56.166 adopted October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473.

## FORMAL COMPLAINTS

### § 56.171. General rule.

Except as otherwise provided in this chapter, formal complaint proceedings will proceed according to the rules and regulations of the Commission governing complaint proceedings.

#### Source

The provisions of this § 56.171 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655.

#### Cross References

This section cited in 52 Pa. Code § 56.100 (relating to winter termination procedures); 52 Pa. Code § 56.163 (relating to Commission informal complaint procedure); and 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering).

### § 56.172. Filing.

(a) A request for review of the decision of the Bureau of Consumer Services (BCS) shall be initiated in writing within 20 days of issuance.

(b) Upon receipt of a request for review of the decision of the BCS, the Secretary of the Commission will mail a formal complaint form to the requesting person.

(c) Within 30 days of the mailing of the formal complaint form, the party requesting review of the decision of the BCS shall file the completed complaint form with the Secretary.

(d) Upon the filing of a formal complaint within the 30-day period and not thereafter except for good cause shown, there will be an automatic stay of the informal complaint decision.

(e) The failure to request review of the BCS decision by filing a formal complaint within the 30-day period does not foreclose a party from filing a formal complaint at a later time except as otherwise may be provided in 66 Pa.C.S. (relating to Public Utility Code).

#### Authority

The provisions of this § 56.172 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 332, 501, 504, 1301, 1305, 1401—1419, 1501 and 1504.

#### Source

The provisions of this § 56.172 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended July 20, 1984, effective July 21, 1984, 14 Pa.B. 2676; amended January 8, 1988, effective January 9, 1988, 18 Pa.B. 185; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial pages (252043) to (252044).

#### Cross References

This section cited in 52 Pa. Code § 56.100 (relating to winter termination procedures); 52 Pa. Code § 56.163 (relating to Commission informal complaint procedure); and 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering).

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

(a) *Assignment.* Review of informal complaint decisions will be heard de novo by a law judge or special agent.

(b) *Filing and docketing.* A complaint will be filed and docketed as a formal Commission complaint, under §§ 1.31—1.38 (relating to documentary filings).

(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.

(d) *Hearings.* Hearings conducted by an administrative law judge or special agent will be held within a reasonable period of time after the filing of the answer. The parties may incorporate portions of the conference report or informal decision that they shall agree upon.

(e) *Formal complaint decision.* The administrative law judge or special agent assigned to the formal complaint will issue a decision within a reasonable period of time after the receipt of the transcribed testimony. The following will be included in the decision:

- (1) A description of the matter.
- (2) A findings of fact.
- (3) The conclusions of law.

(4) Other discussion and opinion as appropriate.

(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 for the formal complaint remains with the party who filed the informal complaint. For legal or policy issues raised by the public utility, the burden of proof for the formal complaint will be with the public utility raising the legal or policy issue.

#### Authority

The provisions of this § 56.173 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 332, 501, 504, 1301, 1305, 1401—1419, 1501, 1504 and 1509.

#### Source

The provisions of this § 56.173 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended July 20, 1984, effective July 21, 1984, 14 Pa.B. 2676; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359005) to (359006).

#### Cross References

This section cited in 52 Pa. Code § 56.100 (relating to winter termination procedures); 52 Pa. Code § 56.163 (relating to Commission informal complaint procedure); 52 Pa. Code § 56.172 (relating to time for filing); and 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering).

### § 56.174. Ability to pay proceedings.

(a) *Assignments.* Requests for review of decisions of the Bureau of Consumer Services (BCS) and any other case in which the issue is solely ability to pay may be assigned to a special agent.

(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.

(c) *Hearings.* The presiding officer will conduct hearings within a reasonable period after filing of the review and answer. If the presiding officer is a special agent, the special agent will have all powers of an administrative law judge.

(1) The presiding officer will attempt to hold hearings by telephone, unless one or more parties object. Hearings will be held after the filing of an answer.

(2) The presiding officer will hear the case de novo, but may request a stipulation of the parties as to undisputed facts.

(3) Hearings will be tape recorded and will not be transcribed, unless the parties request the use of a stenographer or a transcription of the tape or other circumstances warranting transcription exist. Unless objected to, parties may make their own tape recording of the proceedings, but the only official record shall be that made by the presiding officer.

(d) *Proposed findings of fact and conclusions of law or briefs.* The parties shall have the opportunity of submitting proposed findings of fact and conclusions of law or briefs to the presiding officer. Notice of intent to submit findings of fact and conclusions of law or briefs shall be given at the hearing and they shall be submitted within 10 days of the hearing.

(e) *Initial decision.* The presiding officer will render a written decision after the hearings or after the receipt of proposed findings of fact and conclusions of law or briefs, if they are filed. The initial decision will be in writing and contain a brief description of the matter, findings of fact and conclusions of law. The initial decision shall be subject to the filing of exceptions under the procedures in Chapters 1 and 5 (relating to rules of administrative practice and procedure; and formal proceedings).

#### Authority

The provisions of this § 56.174 issued under the Public Utility Code, 66 Pa.C.S. §§ 331, 332, 501, 504, 1301, 1305, 1501 and 1504; amended under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419.

#### Source

The provisions of this § 56.174 adopted July 20, 1984, effective July 21, 1984, 14 Pa.B. 2676; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial pages (252045) to (252046).

#### Cross References

This section cited in 52 Pa. Code § 56.163 (relating to Commission informal complaint procedure); 52 Pa. Code § 56.172 (relating to time for filing); and 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering).

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

#### § 56.181. 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.

(1) *Pending informal complaint.* Pending the outcome of an informal complaint, the disputing party shall be obligated to pay that portion of a bill which is not honestly disputed. An amount ultimately determined, by the parties or the

Commission, to have been validly due but not paid may be paid with interest at the tariff rate filed under § 56.22 (relating to accrual of late payment charges) except when interest charges have been reduced or eliminated by the parties or the Commission to facilitate payment by the disputing party.

(2) *Pending formal complaint.* Prior to the hearing on a formal complaint or prior to the issuance of a Commission order when no hearing is to be held in a formal complaint proceeding, the customer shall be required to pay that amount which the consumer services representative determines is not disputed.

(3) *Overpayments reimbursed with interest.* An amount ultimately determined to have been overpaid by the disputing party shall be reimbursed with interest at the tariff rate filed under § 56.22.

(4) *Effect of offer of payment.* An offer by a customer to pay all or any portion of a bill may not be deemed a waiver of a right to reimbursement for amounts subsequently deemed, by the parties or the Commission, to have been overpaid.

(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.

#### Authority

The provisions of this § 56.181 amended under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419.

#### Source

The provisions of this § 56.181 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended January 15, 1982, effective January 16, 1982, 12 Pa.B. 298; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial pages (252046) to (252047).

#### Cross References

This section cited in 52 Pa. Code § 56.12 (relating to meter reading; estimated billing; customer readings); 52 Pa. Code § 56.164 (relating to termination pending resolution of the dispute); and 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering).

### Subchapter G. RESTORATION OF SERVICE

Sec.

56.191. Payment and timing.

56.192. Personnel available to restore service.

#### Cross References

This subchapter cited in 52 Pa. Code § 56.1 (relating to statement of purpose and policy).

**§ 56.191. Payment and timing.**

(a) *Fee.* A public utility may require a reconnection fee based upon the public utility's cost as approved by the Commission prior to reconnection of service following lawful termination of the service. The amount of this fee must be specified in the public utility's tariff on file with the Commission.

(b) *Timing.* When service to a dwelling has been terminated, the public utility shall reconnect service as follows:

(1) *Customers.*

(i) 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.

(ii) Within 24 hours for terminations and reconnections occurring after November 30 and before April 1.

(iii) Within 3 calendar days for erroneous terminations requiring street or sidewalk digging.

(iv) Within 3 calendar days from April 1 to November 30 for proper terminations.

(v) Within 7 calendar days for proper terminations requiring street or sidewalk digging.

(2) *Applicants.* When the applicant has met all applicable conditions:

(i) Within 24 hours for erroneous terminations or upon receipt by the public utility of a valid medical certification. The public utility is not required to modify or eliminate the payment required to restore service if a medical certificate is presented. 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.

(ii) Within 24 hours for terminations and reconnections occurring after November 30 and before April 1.

(iii) Within 3 calendar days for erroneous terminations requiring street or sidewalk digging.

(iv) Within 3 calendar days from April 1 to November 30 for proper terminations.

(v) Within 7 calendar days for proper terminations requiring street or sidewalk digging.

(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 arrangements. For purposes of this section, neither a payment 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 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(8) (relating to meter reading; estimated billing; customer readings) may not be considered a default for the purposes of this section.

(ii) If a customer or applicant with household income exceeding 300% of the Federal poverty level experiences a life event, the customer shall be permitted a period of not more than 3 months to pay the outstanding balance required for reconnection. For purposes of this subparagraph, a life event is:

- (A) A job loss that extends beyond 9 months.
- (B) A serious illness that extends beyond 9 months.
- (C) Death of the primary wage earner.

(iii) Full payment of any reconnection fees together with repayment over 12 months of any outstanding balance incurred by the customer or applicant, if the customer or applicant has an income exceeding 150% of the Federal poverty level but not greater than 300% of the Federal poverty level. The initial payment required toward the outstanding balance as a condition of restoration cannot exceed 1/12 of the outstanding balance.

(iv) Full payment of any reconnection fees together with payment over 24 months of any outstanding balance incurred by the customer or applicant if the customer or applicant has an income not exceeding 150% of the Federal poverty level. The initial payment required toward the outstanding balance as a condition of restoration cannot exceed 1/24 of the outstanding balance. 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 subsection 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.

(d) *Payment of outstanding balance at premises as a condition to restore service.* A public utility may require the payment of any outstanding balance or portion of an outstanding balance if the applicant or customer resided at the property for which service is requested during the time the outstanding balance accrued and for the time the applicant or customer resided there, not exceeding 4 years prior to the date of requesting that service be restored. The 4-year limit does not apply in instances of fraud and theft.

(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).

#### Authority

The provisions of this § 56.191 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504—506, 1301, 1305, 1401—1419, 1501—1504 and 1509.

#### Source

The provisions of this § 56.191 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended September 10, 1982, effective September 11, 1982, 12 Pa.B. 3093; amended April 8, 1983, effective April 9, 1983, 13 Pa. B. 1250; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359009) to (359011).

#### Cross References

This section cited in 52 Pa. Code § 56.35 (relating to payment of outstanding balance); 52 Pa. Code § 56.41 (relating to general rule); 56 Pa. Code § 56.82 (relating to timing of termination); 52 Pa. Code § 56.111 (relating to general provision); 52 Pa. Code § 56.115 (relating to restoration of service); 52 Pa. Code § 56.142 (relating to time for filing an informal complaint); 52 Pa. Code § 56.192 (personnel available to restore service); and 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering).

### § 56.192. 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 in §§ 56.82 and 56.191 (relating to timing of termination; and payment and timing).

**Authority**

The provisions of this § 56.192 amended under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419.

**Source**

The provisions of this § 56.192 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial page (252048).

**Cross References**

This section cited in 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering).

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

- 56.201. Public information.
- 56.202. Record maintenance.

**Cross References**

This subchapter cited in 52 Pa. Code § 56.1 (relating to statement of purpose and policy).

**§ 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:

- (1) Billing and estimated billing procedures.

- (2) Methods for customer verification of billing accuracy.
- (3) Explanation of operation of purchased gas adjustment clauses.
- (4) Payment requirements and procedures.
- (5) Security deposit and guarantee requirements.
- (6) Procedures for discontinuance and reconnection of service.
- (7) Dispute, informal complaint and formal complaint procedures.
- (8) Explanation of meter reading procedures which would enable a customer or occupant to read his own meter.
- (9) Procedure whereby customers or occupants may avoid discontinuance of service during extended periods of absence.
- (10) Third-party notification procedures.
- (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.

#### Authority

The provisions of this § 56.201 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1401—1419, 1501, 1504 and 1509.

#### Source

The provisions of this § 56.201 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359012) to (359013).

#### Cross References

This section cited in 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering).

### § 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 arrangements made by the public utility company and a synopsis of the terms, conditions and standards upon which arrangements were made.

- (3) The number of service terminations and reconnections.
- (4) Communications to or from individual customers regarding interruptions, discontinuances, terminations and reconnections of service, including the name and address of the customer, the date and character of the dispute or complaint and the adjustment or disposal made of the matter.

#### Authority

The provisions of this § 56.202 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301, 1401—1419, 1501 and 1509.

#### Source

The provisions of this § 56.202 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359013) to (359014).

#### Cross References

This section cited in 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering).

### Subchapter I. [RESERVED]

Sec.  
56.211. [Reserved].

#### Cross References

This subchapter cited in 52 Pa. Code § 56.1 (relating to statement of purpose and policy).

### § 56.211. [Reserved].

#### Authority

The provisions of this § 56.211 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504—506, 1301, 1305, 1501 and 1504; reserved under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419.

#### Source

The provisions of this § 56.211 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial pages (252050) to (252051).

#### Cross References

This subchapter cited in 52 Pa. Code § 56.100 (relating to winter termination procedures); and 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering).

**Subchapter J. GENERAL PROVISIONS**

- Sec.  
56.221. Availability of normal Commission procedures.  
56.222. Applications for modification or exception.  
56.223. Inconsistent tariff provisions.  
56.224. [Reserved].

**Cross References**

This subchapter cited in 52 Pa. Code § 56.1 (relating to statement of purpose and policy).

**§ 56.221. 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.

**Authority**

The provisions of this § 56.221 amended under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419.

**Source**

The provisions of this § 56.221 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial page (252051).

**Cross References**

This section cited in 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering).

**§ 56.222. 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.

**Authority**

The provisions of this § 56.222 amended under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419.

**Source**

The provisions of this § 56.222 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial pages (252051) to (252052).

**Cross References**

This section cited in 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering).

**§ 56.223. Inconsistent tariff provisions.**

A tariff provision inconsistent with this chapter is deemed nonoperative and superseded by this chapter.

**Authority**

The provisions of this § 56.223 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504.

**Source**

The provisions of this § 56.223 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250. Immediately preceding text appears at serial page (37374).

**Cross References**

This section cited in 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering).

**§ 56.224. [Reserved].****Source**

The provisions of this § 56.224 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; reserved April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250. Immediately preceding text appears at serial pages (37374) to (37375).

**Subchapter K. PUBLIC UTILITY REPORTING  
REQUIREMENTS**

Sec.  
56.231. Reporting requirements.

**Cross References**

This subchapter cited in 52 Pa. Code § 56.1 (relating to statement of purpose and policy).

**§ 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 arrangement.
  - (4) The total dollar amount in arrears for active residential accounts in arrears and not on a payment arrangement.
  - (5) The total number of active residential accounts in arrears and on a payment arrangement.
  - (6) The total dollar amount in arrears for active residential accounts in arrears and on a payment arrangement.
  - (7) The total number of inactive residential accounts in arrears.
  - (8) The total dollar amount of inactive residential accounts in arrears.
  - (9) The total number of 10-day termination notices sent out by company.
  - (10) The total number of dwellings receiving termination notices sent to occupants other than the customer.
  - (11) The total number of 3-day termination notices completed by contact in person.
  - (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.
  - (14) The total number of 48-hour termination notices posted.
  - (15) The total number of terminations for nonpayment.
  - (16) The total number of terminations for reasons other than nonpayment.
  - (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.
  - (18) The total number of reconnections for full customer payment, partial payment or payment arrangement.
  - (19) The total number of reconnections for customer submission of medical certification.
  - (20) The total number of reconnections for reasons other than customer payment or medical certification.
  - (21) The total number of applicants that are requested to pay or are billed a security deposit.
  - (22) The total dollar amount in security deposits that are requested of or billed to applicants.
  - (23) The total number of customers that are requested to pay or are billed a security deposit.
  - (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:

- (1) The total number of security deposits on hand.
- (2) The total dollar amount in security deposits on hand.
- (3) The total dollar amount of annual collection operating expenses.
- (4) The total dollar amount of annual residential billings.
- (5) The total dollar amount of annual gross residential write-offs.
- (6) The total dollar amount of annual net residential write-offs.
- (7) The average monthly bill for the previous year for a heating customer.
- (8) The average monthly bill for the previous year for a nonheating customer.
- (9) The average monthly usage for a heating customer.
- (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.
  - (viii) The number of 10-day termination notices issued.
- (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.

(e) Public utilities shall refer to the data dictionaries in appendices C and D (relating to definitions (§ 56.231)) for additional guidance as to the terms used in this section.

#### Authority

The provisions of this § 56.231 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

#### Source

The provisions of this § 56.231 adopted November 16, 1979, effective November 17, 1979, 9 Pa.B. 3797; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359016) to (395018).

#### Cross References

This section cited in 52 Pa. Code Chapter 56 Appendix C (relating to definitions (§ 56.231)); and 52 Pa. Code Chapter 56 Appendix D (relating to definitions (§ 56.231(d))).

### **Subchapter L. PROVISIONS FOR 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**

Sec.

56.251. Statement of purpose and policy.

56.252. Definitions.

**Authority**

The provisions of this Subchapter L issued under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419, unless otherwise noted.

**Source**

The provisions of this Subchapter L adopted October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473, unless otherwise noted.

**Cross References**

This subchapter cited in 52 Pa. Code § 56.1 (relating to statement of purpose and policy); and 52 Pa. Code § 56.251 (relating to statement of purpose and policy).

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

Subchapters L—V apply to victims under a protection from abuse order 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 as provided by 66 Pa.C.S. § 1417 (relating to nonapplicability). 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.

**Authority**

The provisions of this § 56.251 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.251 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359018).

**§ 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:

*AMR—Automatic meter reading—*

- (i) Metering using technologies that automatically read and collect data from metering devices and transfer that data to a central database for billing and other purposes.
- (ii) The term does not include remote meter reading devices as defined by this section.
- (iii) Meter readings by an AMR shall be deemed actual readings for the purposes of this chapter.

*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 or natural gas 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.

*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. The term includes a person who, within 60 days after service termination or discontinuance of service, seeks to have service recon-

nected at the same location or transferred to another location within the service territory of the public utility.

*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.

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

*Federal poverty level*—The poverty guidelines updated periodically in the *Federal Register* by the United States Department of Health and Human Services under the authority of section 673(2) of the Omnibus Budget Reconciliation Act (OBRA) of 1981 (42 U.S.C.A. § 9902(2)).

*Formal complaint*—A complaint filed before the Commission requesting a legal proceeding before a Commission administrative law judge or a mediation under the management of a Commission administrative law judge.

*Household income*—The combined gross income of all adults in a residential household who benefit from the public utility service.

*Informal complaint*—A complaint with the Commission submitted by a customer that does not involve a legal proceeding before a Commission administrative law judge or a mediation under the management of a Commission administrative law judge.

*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.

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

*Natural gas distribution utility*—A city natural gas distribution operation or entity that provides natural gas distribution services and may provide natural gas supply services and other services.

*Natural gas supply services—*

(i) The sale or arrangement of the sale of natural gas to retail gas customers and services that may be unbundled by the Commission under 66 Pa.C.S. § 2203(3) (relating to standards for restructuring of natural gas utility industry).

(ii) The term does not include natural gas distribution service.

*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—*An individual licensed in this Commonwealth by the State Board of Nursing as a certified registered nurse practitioner under 49 Pa. Code Chapter 21, Subchapter C (relating to certified registered nurse practitioners).

*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 in this Commonwealth to practice medicine and surgery under 49 Pa. Code Chapter 17, Subchapter A (relating to licensure of medical doctors) or an individual licensed in this Commonwealth to practice osteopathic medicine and surgery under 49 Pa. Code Chapter 25, Subchapter A (relating to general provisions).

*Physician assistant—*An individual licensed by the State Board of Medicine in this Commonwealth as a physician assistant under 49 Pa. Code Chapter 18, Subchapter D (relating to physician assistants) or an individual licensed by the State Board of Osteopathic Medicine in this Commonwealth as a physician assistant under 49 Pa. Code Chapter 25, Subchapter C (relating to physician assistant provisions).

*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:

(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.

*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.

**Authority**

The provisions of this § 56.252 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.252 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359019) to (359023).

**Cross References**

This section cited in 52 Pa. Code § 56.252 (relating to definitions); 52 Pa. Code § 56.371 (relating to follow-up response to inquiry); 52 Pa. Code § 56.393 (relating to termination pending resolution of the dispute); 52 Pa. Code § 56.421 (relating to payment and timing); and 52 Pa. Code Chapter 56 Appendix D (relating to definitions) (§ 56.231(d)).

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

- Sec.  
56.261. Billing frequency.  
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**Authority**

The provisions of this Subchapter M issued under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419, unless otherwise noted.

**Source**

The provisions of this Subchapter M adopted October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473, unless otherwise noted.

**Cross References**

This subchapter cited in 52 Pa. Code § 56.1 (relating to statement of purpose and policy); 52 Pa. Code § 56.251 (relating to statement of purpose and policy); and 52 Pa. Code § 56.252 (relating to definitions).

**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.

#### Authority

The provisions of this § 56.261 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

#### Source

The provisions of this § 56.261 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359024) to (359025).

### § 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 pre-addressed 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 public 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.

(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).

(8) *Budget billing.* A 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.

(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).

#### Authority

The provisions of this § 56.262 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

#### Source

The provisions of this § 56.262 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359025) to (359027).

#### Cross References

This section cited in 52 Pa. Code § 56.337 (relating to procedures upon customer or occupant contact prior to termination); 52 Pa. Code § 56.356 (relating to duty of customer to pay bills); and 52 Pa. Code § 56.421 (relating to payment and timing).

### **§ 56.263. Billings for merchandise, appliances and nonrecurring and recurring services.**

Charges for other than basic service—that is, merchandise, appliances and special services, including merchandise and appliance installation, sales, rental and repair costs; meter testing fees; line extension costs; special construction charges and other nonrecurring charges, except as provided in this chapter—must appear

after charges for basic services and appear distinctly separate. This includes charges for optional recurring services which are distinctly separate and clearly not required for the physical delivery of service. Examples include line repair programs and appliance warranty programs. See § 56.323(3) (relating to unauthorized termination of service).

**§ 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.
- (2) The period of the amortization may, at the option of the customer, extend at least as long as:
  - (i) The period during which the excess amount accrued.
  - (ii) Necessary so that the quantity of service billed in any one billing period is not greater than the normal estimated quantity for that period plus 50%.

**Authority**

The provisions of this § 56.264 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.264 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359027) to (359028).

**Cross References**

This section cited in 52 Pa. Code § 56.262 (relating to meter reading; estimated billing; customer readings); 52 Pa. Code § 56.291 (relating to general rule); 52 Pa. Code § 56.323 (relating to unauthorized termination of service); and 52 Pa. Code § 56.421 (relating to payment and timing).

**§ 56.265. Billing information.**

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

- (1) The beginning and ending dates of the billing period.
- (2) If applicable, the beginning and ending meter readings for the billing period. If a bill is estimated, it must contain a clear and conspicuous marking of the word “Estimated.”

(3) The due date on or before which payment shall be made or the account will be delinquent.

(4) The amount due for service rendered during the current billing period, specifying the charge for basic service, the energy or fuel adjustment charge, State tax adjustment surcharge if other than zero, State Sales Tax if applicable and other similar charges. The bills should also indicate that a State Gross Receipts Tax is being charged and a reasonable estimate of the charge. A Class A utility shall include a statement of the dollar amount of total State taxes included in the current billing period charge. For the purpose of this paragraph, a Class A utility shall also include a Class A telephone utility as defined under § 63.31 (relating to classification of public utilities).

(5) Amounts due for reconnection charges.

(6) Amounts due for security deposits.

(7) The total amount of payments and other credits made to the account during the current billing period.

(8) The amount of late payment charges, designated as such, which have accrued to the account of the customer for failure to pay bills by the due date of the bill and which are authorized under § 56.272 (relating to accrual of late payment charges).

(9) The total amount due.

(10) A clear and conspicuous marking of estimates.

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

#### **Authority**

The provisions of this § 56.265 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

#### **Source**

The provisions of this § 56.265 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359028) to (359029).

**§ 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).

**Authority**

The provisions of this § 56.266 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.266 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359029).

**§ 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, “non-low 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.

(B) *Time frame.* The process evaluation should be undertaken during the middle of the first year; the impact evaluation at least by the end of the second year.

(4) Temporary service for short-term use, including installation and removal, with credit for reasonable salvage.

#### Authority

The provisions of this § 56.267 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

#### Source

The provisions of this § 56.267 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359029) to (359031).

### 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.

**Authority**

The provisions of this § 56.271 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.271 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359031).

**Cross References**

This section cited in 52 Pa. Code § 56.272 (relating to accrual of late payment charges).

**§ 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.

**Authority**

The provisions of this § 56.272 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.272 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359032).

**Cross References**

This section cited in 52 Pa. Code § 56.265 (relating to billing information); and 52 Pa. Code § 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 over payment found).

**§ 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.

**Authority**

The provisions of this § 56.273 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.273 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359032).

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

In the absence of written instructions, a disputed bill or 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.

**Authority**

The provisions of this § 56.274 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.274 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359032).

**§ 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.

**Authority**

The provisions of this § 56.275 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.275 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359032) to (359033).

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

**PROCEDURES FOR APPLICANTS**

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 56.283. Cash deposits; third-party guarantors.  
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- 56.291. General rule.  
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**CASH DEPOSITS**

- 56.301. Amount of cash deposit.  
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**Authority**

The provisions of this Subchapter N issued under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419, unless otherwise noted.

**Source**

The provisions of this Subchapter N adopted October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473, unless otherwise noted.

**Cross References**

This subchapter cited in 52 Pa. Code § 56.1 (relating to statement of purpose and policy); 52 Pa. Code § 56.251 (relating to statement of purpose and policy); and 52 Pa. Code § 56.252 (relating to definitions).

**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, age over 18 years of age, National origin, marital status, color, religious creed, ancestry, union membership, gender, sexual orientation, gender identity or expression, AIDS or HIV status, or disability.

**Authority**

The provisions of this § 56.281 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.281 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359034).

**§ 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:

(A) The name of the employer of the applicant.

(B) The place and length of employment.

(C) Residences during the previous 5 years.

(D) Letters of reference.

(E) Credit cards.

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

(iii) Public utilities shall take appropriate actions needed to ensure the privacy and confidentiality of identification information provided by their applicants and customers.

(4) *Cash deposit prohibition.* A public utility may not require a cash deposit from an applicant who is, based upon household income, confirmed to be eligible for a customer assistance program. An applicant is confirmed to be eligible for a customer assistance program by the public utility if the applicant provides income documents or other information attesting to his or her eligibility for State benefits based on household income eligibility requirements that are consistent with those of the public utility's customer assistance programs.

#### Authority

The provisions of this § 56.282 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

#### Source

The provisions of this § 56.282 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359034) to (359035).

#### Cross References

This section cited in 52 Pa. Code § 56.283 (relating to cash deposits; third-party guarantors); and 52 Pa. Code § 56.302 (relating to deposit hold period and refund).

**§ 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:

- (1) *Cash deposit.* The applicant posts a cash deposit.
- (2) *Third-party guarantor.* The applicant furnishes a written guarantee from a responsible customer which, for the purposes of this section, means a customer who has or can establish credit, under § 56.282, to secure payment in an amount equal to that required for cash deposits.
  - (i) A guarantee must be in writing and state the terms of the guarantee.
  - (ii) The guarantor shall be discharged when the applicant has met the terms and conditions which apply under §§ 56.302 and 56.303 (relating to deposit hold period and refund; and application of deposit to bills).

**Authority**

The provisions of this § 56.283 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.283 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359035).

**Cross References**

This section cited in 52 Pa. Code § 56.286 (relating to written procedures); and 52 Pa. Code § 56.302 (relating to deposit hold period and refund).

**§ 56.284. Deposits for temporary service.**

Deposits for applicants for temporary service may be required in accordance with § 53.82 (relating to deposits).

**§ 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.

#### Authority

The provisions of this § 56.285 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

#### Source

The provisions of this § 56.285 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359035) to (359036).

#### Cross References

This section cited in 52 Pa. Code § 56.286 (relating to written procedures); and 52 Pa. Code § 56.373 (relating to time for filing an informal complaint).

### § 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, based upon household income, 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 or she is, based upon household income, confirmed to be eligible for a customer assistance program, a deposit is not required. The public utility shall inform the applicant or customer of the procedures and documentation necessary to qualify for an exemption from a security deposit requirement.

(2) *Informing applicants of procedures.* 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.

#### Authority

The provisions of this § 56.286 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

#### Source

The provisions of this § 56.286 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359036) to (359037).

### § 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.

#### Authority

The provisions of this § 56.287 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

#### Source

The provisions of this § 56.287 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359037).

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

The due date for payment of a deposit or an installment payment toward a deposit, other than an initial installment or 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 applicant of notification of the amount due. 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. A public utility shall advise an applicant of the option to pay the requested security deposit in installments at the time the deposit is requested. If the applicant chooses to pay the deposit in installments, installment payments must be paid in full by the due date. Failure to pay an installment by the due date is grounds for termination of service as provided in § 56.321 (relating to authorized termination of service). The applicant retains the option to pay the deposit amount in full anytime before the due date regardless of any deposit installments previously paid.

**Authority**

The provisions of this § 56.288 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.288 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359037).

**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 that, based upon household income, is confirmed to be eligible for a customer assistance program to provide a cash deposit. A customer is confirmed to be eligible for a customer assistance program by the public utility when the customer provides income documents or other information that he or she is eligible for State benefits based upon household income eligibility requirements that are consistent with those of the public utility's customer assistance programs.

#### **Authority**

The provisions of this § 56.291 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

#### **Source**

The provisions of this § 56.291 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359037) to (359038).

#### **Cross References**

This section cited in 52 Pa. Code § 56.288 (relating to payment period for deposits by applicants); 52 Pa. Code § 56.292 (relating to payment period for deposits by customers); 52 Pa. Code § 56.302 (relating to deposit hold period and refund); and 52 Pa. Code § 56.323 (relating to unauthorized termination of service).

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

The due date for payment of a deposit or any installment payment toward 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 a customer of the option to pay the requested security deposit in installments at the time the deposit is requested. If the customer chooses to pay the deposit in installments, installment payments must be paid in full by the due date. Failure to pay an installment by the due date is grounds for termination of service as provided in § 56.321 (relating to authorized termination of service). The customer retains the option to pay the deposit amount in full before the due date regardless of any deposit installments previously paid.

**Authority**

The provisions of this § 56.292 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.292 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359038).

**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.

**Authority**

The provisions of this § 56.301 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.301 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359038) to (359039).

**§ 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 any 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, 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.

(6) A public utility shall refund a deposit, along with any applicable interest, within 60 days upon determining that the customer or applicant from whom a deposit was collected is not subject to a deposit under § 56.282 or § 56.291 (relating to general rule).

**Authority**

The provisions of this § 56.302 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.302 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359039).

**Cross References**

This section cited in 52 Pa. Code § 56.283 (relating to cash deposits; third-party guarantors); and 52 Pa. Code § 56.304 (relating to periodic review).

**§ 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.

**Authority**

The provisions of this § 56.303 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.303 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359040).

**Cross References**

This section cited in 52 Pa. Code § 56.283 (relating to cash deposits; third-party guarantors); and 52 Pa. Code § 56.304 (relating to periodic review).

**§ 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).

**Authority**

The provisions of this § 56.304 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.304 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359040).

**§ 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.

**Authority**

The provisions of this § 56.305 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.305 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359040).

**§ 56.306. Interest rate.**

The public utility shall accrue interest on the deposit until it is returned or credited.

(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. A deposit initially accrues interest at the interest rate in effect at the time the deposit was required. This interest rate remains in effect until the end of the calendar year.

(3) On January 1 of each year, the new interest rate for that year will apply to the deposit. The new interest rate will be applied to the deposit for the calendar year starting January 1 until December 31 of that same year. Revised interest rates are calculated every subsequent January 1 and applied to the deposit until the deposit is refunded or applied to the account.

**Authority**

The provisions of this § 56.306 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.306 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359040).

**§ 56.307. Application of interest.**

Interest shall be paid annually to the customer, or, at the option of either the utility or the customer, shall be applied to service bills.

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

Sec.

56.311. Interruption of service.

56.312. Discontinuance of service.

**Authority**

The provisions of this Subchapter O issued under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419, unless otherwise noted.

**Source**

The provisions of this Subchapter O adopted October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473, unless otherwise noted.

**Cross References**

This subchapter cited in 52 Pa. Code § 56.1 (relating to statement of purpose and policy); 52 Pa. Code § 56.251 (relating to statement of purpose and policy); and 52 Pa. Code § 56.252 (relating to definitions).

**§ 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.

**Authority**

The provisions of this § 56.311 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.311 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359041).

**Cross References**

This section cited in 52 Pa. Code § 56.333 (relating to personal contact).

**§ 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 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.

(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).

#### Authority

The provisions of this § 56.312 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

#### Source

The provisions of this § 56.312 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359041) to (359042).

#### Cross References

This section cited in 52 Pa. Code § 56.252 (relating to definitions); 52 Pa. Code § 56.267 (relating to advance payments); and 52 Pa. Code § 56.333 (relating to personal contact).

## Subchapter P. TERMINATION OF SERVICE

### GROUNDINGS FOR TERMINATION

- Sec.  
56.321. Authorized termination of service.  
56.322. Timing of termination.  
56.323. Unauthorized termination of service.

**NOTICE PROCEDURES PRIOR TO TERMINATION**

- 56.331. General notice provisions and contents of termination notice.
- 56.332. Notice when dispute pending.
- 56.333. Personal contact.
- 56.334. Procedures immediately prior to termination.
- 56.335. Deferred termination when no prior contact.
- 56.336. Post-termination notice.
- 56.337. Procedures upon customer or occupant contact prior to termination.
- 56.338. Exception for terminations based on occurrences harmful to person or property.
- 56.339. Use of termination notice solely as collection device prohibited.
- 56.340. Winter termination procedures.

**EMERGENCY PROVISIONS**

- 56.351. General provision.
- 56.352. Postponement of termination pending receipt of certificate.
- 56.353. Medical certifications.
- 56.354. Length of postponement; renewals.
- 56.355. Restoration of service.
- 56.356. Duty of customer to pay bills.
- 56.357. Termination upon expiration of medical certification.
- 56.358. Right of public utility to petition the Commission.

**THIRD-PARTY NOTIFICATION**

- 56.361. Third-party notification.

**Authority**

The provisions of this Subchapter P issued under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419, unless otherwise noted.

**Source**

The provisions of this Subchapter P adopted October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473, unless otherwise noted.

**Cross References**

This subchapter cited in 52 Pa. Code § 56.1 (relating to statement of purpose and policy); 52 Pa. Code § 56.251 (relating to statement of purpose and policy); and 52 Pa. Code § 56.252 (relating to definitions).

**GROUND S FOR TERMINATION****§ 56.321. Authorized termination of service.**

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.

**Authority**

The provisions of this § 56.321 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.321 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359043) to (359044).

**Cross References**

This section cited in 52 Pa. Code § 56.288 (relating to payment period for deposits by applicants); 52 Pa. Code § 56.292 (relating to payment period for deposits by customers); 52 Pa. Code § 56.358 (relating to right of public utility to petition the Commission); and 52 Pa. Code Chapter 56 Appendix D (relating to definitions (§ 56.231(d))).

**§ 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.

**Authority**

The provisions of this § 56.322 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.322 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359044).

**Cross References**

This section cited in 52 Pa. Code § 56.358 (relating to right of public utility to petition the Commission); and 52 Pa. Code § 56.422 (relating to personnel available to restore service).

**§ 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.

#### **Authority**

The provisions of this § 56.323 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.323 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359044) to (359045).

**Cross References**

This section cited in 52 Pa. Code § 56.263 (relating to billings for merchandise, appliances and nonrecurring and recurring services); and 52 Pa. Code § 56.358 (relating to right of public utility to petition the Commission).

**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 medical certificate 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.

#### Authority

The provisions of this § 56.331 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

#### Source

The provisions of this § 56.331 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359045) to (359047).

#### Cross References

This section cited in 52 Pa. Code § 56.261 (relating to billing frequency); 52 Pa. Code § 56.266 (relating to transfer of accounts); 52 Pa. Code § 56.336 (relating to post-termination notice); 52 Pa. Code § 56.340 (relating to winter termination procedures); 52 Pa. Code § 56.357 (relating to termination upon expiration of medical certification); 52 Pa. Code § 56.358 (relating to right of public utility to petition the Commission); and 52 Pa. Code § 56.393 (relating to termination pending resolution of the dispute).

### § 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 unre-

solved 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.

**Authority**

The provisions of this § 56.332 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.332 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359047).

**Cross References**

This section cited in 52 Pa. Code § 56.261 (relating to billing frequency); 52 Pa. Code § 56.266 (relating to transfer of accounts); 52 Pa. Code § 56.340 (relating to winter termination procedures); 52 Pa. Code § 56.358 (relating to right of public utility to petition the Commission); and 52 Pa. Code § 56.393 (relating to termination pending resolution of the dispute).

**§ 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. Electronic contact shall be deemed complete if, after attempted transmittal, no message is received indicating that the transmittal was undeliverable or otherwise not received. If the public utility receives notification that the transmittal was undeliverable or otherwise not received, the public utility shall attempt to contact the customer either in person or by telephone, consistent with the requirements of this section.

- (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.
- (5) If the customer has not made the designation noted in paragraph (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.
- (6) If the public utility is not successful in establishing personal contact and the customer has not made the designation noted in paragraph (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.

#### Authority

The provisions of this § 56.333 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

#### Source

The provisions of this § 56.333 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359047) to (359048).

#### Cross References

This section cited in 52 Pa. Code § 56.261 (relating to billing frequency); 52 Pa. Code § 56.266 (relating to transfer of accounts); 52 Pa. Code § 56.331 (relating to general notice provisions and contents of termination notice); 52 Pa. Code § 56.340 (relating to winter termination procedures); 52 Pa. Code § 56.357 (relating to termination upon expiration of medical certification); 52 Pa. Code § 56.358 (relating to right of public utility to petition the Commission); and 52 Pa. Code § 56.393 (relating to termination pending resolution of the dispute).

### § 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.

- (1) *Termination prohibited in certain cases.* If evidence is presented which indicates that payment has been made, a serious illness or medical condition exists, or a dispute or complaint is properly pending or if the employee is authorized to receive payment and payment in full is tendered in any reason-

able manner, then termination may not occur. However, if the disputing party does not pay all undisputed portions of the bill, termination may occur.

(2) *Methods of payment.* Payment in any reasonable manner includes payment by personal check unless the customer within the past year has tendered a check which has been returned for insufficient funds or for which payment has been stopped.

#### Authority

The provisions of this § 56.334 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

#### Source

The provisions of this § 56.334 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359048) to (359049).

#### Cross References

This section cited in 52 Pa. Code § 56.261 (relating to billing frequency); 52 Pa. Code § 56.266 (relating to transfer of accounts); 52 Pa. Code § 56.331 (relating to general notice provisions and contents of termination notice); 52 Pa. Code § 56.335 (relating to deferred termination when no prior contact); 52 Pa. Code § 56.340 (relating to winter termination procedures); 52 Pa. Code § 56.357 (relating to termination upon expiration of medical certification); 52 Pa. Code § 56.358 (relating to right of public utility to petition the Commission); and 52 Pa. Code § 56.393 (relating to termination pending resolution of the dispute).

### § 56.335. Deferred termination when no prior contact.

If a prior contact has not been made with a responsible adult occupant either at the residence of the customer, as required under § 56.334 (relating to procedures immediately prior to termination) or at the affected dwelling, the employee may not terminate service but shall conspicuously post a termination notice at the residence of the customer and the affected dwelling, advising that service will be disconnected not less than 48 hours from the time and date of posting.

#### Cross References

This section cited in 52 Pa. Code § 56.261 (relating to billing frequency); 52 Pa. Code § 56.266 (relating to transfer of accounts); 52 Pa. Code § 56.331 (relating to general notice provisions and contents of termination notice); 52 Pa. Code § 56.340 (relating to winter termination procedures); 52 Pa. Code § 56.357 (relating to termination upon expiration of medical certification); 52 Pa. Code § 56.358 (relating to right of public utility to petition the Commission); and 52 Pa. Code § 56.393 (relating to termination pending resolution of the dispute).

### § 56.336. Post-termination notice.

When service is actually terminated, notice that reflects the requirements in § 56.331 (relating to general notice provisions and contents of termination notice) as well as a medical emergency notice in the form which appears in Appendix B (relating to medical emergency notice) shall be delivered to a responsible adult occupant at the residence of the customer or conspicuously posted at the affected premises.

**Cross References**

This section cited in 52 Pa. Code § 56.261 (relating to billing frequency); 52 Pa. Code § 56.266 (relating to transfer of accounts); 52 Pa. Code § 56.331 (relating to general notice provisions and contents of termination notice); 52 Pa. Code § 56.357 (relating to termination upon expiration of medical certification); 52 Pa. Code § 56.358 (relating to right of public utility to petition the Commission); and 52 Pa. Code § 56.393 (relating to termination pending resolution of the dispute).

**§ 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, a public utility 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.

(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 of the public utility to determine eligibility for a program and to apply for enrollment in a program.

- (4) The medical emergency procedures.

(b) The public utility 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(8) (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.
- (2) The procedures for resolving disputes and informal complaints, including the address and telephone number of the Commission: Public Utility Commission, Box 3265, Harrisburg, Pennsylvania 17105-3265, (800) 692-7380.
- (3) The duty of the customer to pay any portion of a bill which the customer does not dispute.

**Authority**

The provisions of this § 56.337 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.337 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359050) to (359051).

**Cross References**

This section cited in 52 Pa. Code § 56.261 (relating to billing frequency); 52 Pa. Code § 56.266 (relating to transfer of accounts); 52 Pa. Code § 56.267 (relating to advance payments); 52 Pa. Code § 56.312 (relating to discontinuance of service); 52 Pa. Code § 56.331 (relating to general notice provisions and contents of termination notice); 52 Pa. Code § 56.358 (relating to right of public utility to petition the Commission); and 52 Pa. Code § 56.393 (relating to termination pending resolution of the dispute).

**§ 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.

**Authority**

The provisions of this § 56.338 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.338 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359051).

**Cross References**

This section cited in 52 Pa. Code § 56.261 (relating to billing frequency); 52 Pa. Code § 56.266 (relating to transfer of accounts); 52 Pa. Code § 56.333 (relating to personal contact); 52 Pa. Code § 56.340 (relating to winter termination procedures); 52 Pa. Code § 56.358 (relating to right of public utility to petition the Commission); and 52 Pa. Code § 56.393 (relating to termination pending resolution of the dispute); and 52 Pa. Code Chapter 56 Appendix D (relating to definitions (§ 56.231(d))).

**§ 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.

**Authority**

The provisions of this § 56.339 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.339 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359051).

**Cross References**

This section cited in 52 Pa. Code § 56.266 (relating to transfer of accounts); and 52 Pa. Code § 56.358 (relating to right of public utility to petition the Commission).

**§ 56.340. Winter termination procedures.**

Notwithstanding any provision of this chapter, during the period of December 1 through March 31, public utilities subject to this subchapter shall conform to the provisions of this section. The covered public 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

public 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.* Public 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, public 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.

#### Authority

The provisions of this § 56.340 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.340 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359051) to (359053).

**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, 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, 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, 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.

**Authority**

The provisions of this § 56.351 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.351 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359053).

**Cross References**

This section cited in 52 Pa. Code § 56.355 (relating to restoration of service).

**§ 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.

**Authority**

The provisions of this § 56.352 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.352 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359053).

**Cross References**

This section cited in 52 Pa. Code § 56.354 (relating to length of postponement; renewals).

**§ 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, 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. Medical certificates may 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 anticipated length of the affliction.
- (4) The name, office address and telephone number of the certifying physician, nurse practitioner or physician assistant.
- (5) If a written certificate is provided, the signature of the certifying physician, nurse practitioner or physician assistant.

**Authority**

The provisions of this § 56.353 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.353 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359054).

**Cross References**

This section cited in 52 Pa. Code § 56.354 (relating to length of postponement; renewals).

**§ 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 post-

ponement 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.

**Authority**

The provisions of this § 56.354 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.354 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359054).

**Cross References**

This section cited in 52 Pa. Code § 56.355 (relating to restoration of service).

**§ 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.

**Authority**

The provisions of this § 56.355 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.355 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359054).

**§ 56.356. Duty of customer to pay bills.**

Whenever service is restored or termination postponed under the medical emergency procedures, the customer shall retain a duty to make payment on all current undisputed bills or budget billing amount as determined under § 56.262(8) (relating to meter reading; estimated billing; customer readings).

**Authority**

The provisions of this § 56.356 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.356 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359055).

**Cross References**

This section cited in 52 Pa. Code § 56.354 (relating to length of postponement; renewals); 52 Pa. Code § 56.355 (relating to restoration of service); and 52 Pa. Code § 56.358 (relating to right of public utility to petition the Commission).

**§ 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.

**Authority**

The provisions of this § 56.357 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.357 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359055).

**Cross References**

This section cited in 52 Pa. Code § 56.355 (relating to restoration of service).

**§ 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 cus-

tomer 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.

(c) Upon the filing of a petition for waiver of medical certification, Commission staff will review the facts and issue an informal written decision.

(d) A party to the proceeding may, within 20 days of mailing of the informal decision, and not thereafter except for good cause shown, appeal by filing with the Secretary of the Commission a letter stating the basis for appeal. An appeal from the informal decision will be assigned to the Office of Administrative Law Judge for hearing and decision.

#### Authority

The provisions of this § 56.358 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

#### Source

The provisions of this § 56.358 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359055) to (359056).

#### Cross References

This section cited in 52 Pa. Code § 56.354 (relating to length of postponement; renewals); and 52 Pa. Code § 56.355 (relating to restoration of service).

### 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.

(3) To solicit community groups to accept third-party notices to assist in preventing unnecessary terminations and protecting the public health and safety.

(4) To make available a standard enrollment form in compliance with the form as set forth in Appendix E (relating to third-party notification).

**Authority**

The provisions of this § 56.361 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.361 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359056).

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

**GENERAL PROVISIONS**

- Sec.  
 56.371. Follow-up response to inquiry.  
 56.372. Dispute procedures.  
 56.373. Time for filing an informal complaint.  
 56.374. Effect of failure to timely file an informal complaint.

**PUBLIC UTILITY COMPANY DISPUTE PROCEDURES**

- 56.381. General rule.  
 56.382. Contents of the public utility company report.

**INFORMAL COMPLAINT PROCEDURES**

- 56.391. Informal complaint filing procedures.  
 56.392. Commission informal complaint procedure.  
 56.393. Termination pending resolution of the dispute.  
 56.394. Conference procedures.

**FORMAL COMPLAINTS**

- 56.401. General rule.  
 56.402. Filing.  
 56.403. Review from informal complaint decisions of the Bureau of Consumer Services.  
 56.404. Ability to pay proceedings.

**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.

**Authority**

The provisions of this Subchapter Q issued under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419, unless otherwise noted.

**Source**

The provisions of this Subchapter Q adopted October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473, unless otherwise noted.

**Cross References**

This subchapter cited in 52 Pa. Code § 56.1 (relating to statement of purpose and policy); 52 Pa. Code § 56.251 (relating to statement of purpose and policy); and 52 Pa. Code § 56.252 (relating to definitions).

**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.

**Authority**

The provisions of this § 56.371 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.371 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359057).

**§ 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).

(2) *Termination stayed.* Except as otherwise provided in this chapter, when a termination dispute or complaint has been properly filed in accordance with

this subchapter, termination shall be prohibited until resolution of the dispute or complaint. However, the disputing party shall pay undisputed portions of the bill.

**Authority**

The provisions of this § 56.372 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.372 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359058).

**Cross References**

This section cited in 52 Pa. Code § 56.266 (relating to transfer of accounts).

**§ 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.

**Authority**

The provisions of this § 56.373 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.373 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359058).

**Cross References**

This section cited in 52 Pa. Code § 56.266 (relating to transfer of accounts).

**§ 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.

**Authority**

The provisions of this § 56.374 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.374 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359058).

**Cross References**

This section cited in 52 Pa. Code § 56.266 (relating to transfer of accounts).

**PUBLIC UTILITY COMPANY DISPUTE PROCEDURES****§ 56.381. 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 if the customer or occupant claims a temporary inability to pay an undisputed bill. Factors which shall be considered in the negotiation of a payment agreement include, but are not limited to:
  - (i) The size of the unpaid balance.
  - (ii) The ability of the customer to pay.
  - (iii) The payment history of the customer.
  - (iv) The length of time over which the bill accumulated.
- (4) Provide the customer or occupant with the information necessary for an informed judgment, including, but not limited to, relevant portions of tariffs, statements of account and results of meter tests.
- (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).
  - (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.

**Authority**

The provisions of this § 56.381 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.381 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359058) to (359059).

**Cross References**

This section cited in 52 Pa. Code § 56.354 (relating to length of postponement; renewals); and 52 Pa. Code § 56.372 (relating to dispute procedures).

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

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

- (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.
- (2) The position of the public utility regarding that claim.
- (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.
- (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.
- (5) The office where payment may be made or information obtained listing the appropriate telephone number and address of the public utility.
- (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.
- (7) If the matter in dispute involves a billing dispute, the 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 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 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 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.

#### Authority

The provisions of this § 56.382 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

#### Source

The provisions of this § 56.382 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359059) to (359060).

#### Cross References

This section cited in 52 Pa. Code § 56.340 (relating to winter termination procedures); 52 Pa. Code § 56.354 (relating to length of postponement; renewals); 52 Pa. Code § 56.358 (relating to right of public utility to petition the Commission); and 52 Pa. Code § 56.381 (relating to general rule).

### 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:

- (1) The name and address of the complainant and, if different, the address at which service is provided.
- (2) The telephone number of the complainant.
- (3) The account number of the complainant, if applicable.
- (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.
- (7) Whether the dispute formerly has been the subject of a Commission informal or formal complaint.
- (8) The date, if any, of proposed termination.
- (9) The relief sought.

#### Authority

The provisions of this § 56.391 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.391 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359060) to (395061).

**Cross References**

This section cited in 52 Pa. Code § 56.340 (relating to winter termination procedures); 52 Pa. Code § 56.382 (relating to contents of the public utility company report); and 52 Pa. Code § 56.394 (relating to conference procedures).

**§ 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.

(2) *Settlement.* Prior to the issuance of an informal decision, Commission staff may facilitate discussions between the parties in an effort to settle the dispute. If a settlement is reached, Commission staff will confirm that all parties understand the terms of the settlement and document the informal complaint as closed.

(3) *Resolution.* Commission staff resolution of informal complaints is binding upon the parties unless formal proceedings are initiated under §§ 56.401—56.404 (relating to formal complaints).

**Authority**

The provisions of this § 56.392 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.392 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359061) to (359062).

**Cross References**

This section cited in 52 Pa. Code § 56.340 (relating to winter termination procedures); and 52 Pa. Code § 56.394 (relating to conference procedures).

**§ 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.

**Authority**

The provisions of this § 56.393 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.393 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359062).

**Cross References**

This section cited in 52 Pa. Code § 56.340 (relating to winter termination procedures); and 52 Pa. Code § 56.394 (relating to conference procedures).

**§ 56.394. Conference procedures.**

Conferences held under §§ 56.391—56.393 (relating to informal complaint filing procedures; Commission informal complaint procedure; and termination pending resolution of the dispute) and this section will be informal and may be held by conference telephone call, when appropriate. If the parties are to be present, the conferences will take place within reasonable proximity to the situs of the complaint.

**Cross References**

This section cited in 52 Pa. Code § 56.340 (relating to winter termination procedures).

**FORMAL COMPLAINTS****§ 56.401. General rule.**

Except as otherwise provided in this chapter, formal complaint proceedings will proceed according to the rules and regulations of the Commission governing complaint proceedings.

**Cross References**

This section cited in 52 Pa. Code § 56.340 (relating to winter termination procedures); and 52 Pa. Code § 56.392 (relating to Commission informal complaint procedure).

**§ 56.402. Filing.**

(a) A request for review of the decision of the Bureau of Consumer Services (BCS) shall be initiated in writing within 20 days of issuance.

(b) Upon receipt of a request for review of the decision of the BCS, the Secretary of the Commission will mail a formal complaint form to the requesting person.

(c) Within 30 days of the mailing of the formal complaint form, the party requesting review of the decision of the BCS shall file the completed complaint form with the Secretary.

(d) Upon the filing of a formal complaint within the 30-day period and not thereafter except for good cause shown, there will be an automatic stay of the informal complaint decision.

(e) The failure to request review of the BCS decision by filing a formal complaint within the 30-day period does not foreclose a party from filing a formal complaint at a later time except as otherwise may be provided in 66 Pa.C.S. (relating to Public Utility Code).

**Cross References**

This section cited in 52 Pa. Code § 56.340 (relating to winter termination procedures); and 52 Pa. Code § 56.392 (relating to Commission informal complaint procedure).

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

(a) *Assignment.* Review of informal complaint decisions will be heard de novo by an administrative law judge or special agent.

(b) *Filing and docketing.* A complaint will be filed and docketed as a formal Commission complaint, under §§ 1.31—1.38 (relating to documentary filings).

(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.

(d) *Hearings.* Hearings conducted by an administrative law judge or a special agent will be held within a reasonable period of time after the filing of the answer. The parties may incorporate portions of the conference report or informal complaint decision that they shall agree upon.

(e) *Formal complaint decision.* The administrative law judge or special agent assigned to the formal complaint will issue a decision with the Commission within a reasonable period of time after the receipt of the transcribed testimony.

Included in the decision will be a description of the matter, findings of fact, conclusions of law and other discussion and opinion as is appropriate.

(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 for the formal complaint remains with the party who filed the informal complaint. For legal or policy issues raised by the public utility, the burden of proof for the formal complaint will be with the public utility raising the legal or policy issue.

#### Authority

The provisions of this § 56.403 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

#### Source

The provisions of this § 56.403 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359063) to (359064).

#### Cross References

This section cited in 52 Pa. Code § 56.340 (relating to winter termination procedures); and 52 Pa. Code § 56.392 (relating to Commission informal complaint procedure).

### § 56.404. Ability to pay proceedings.

(a) *Assignments.* Requests for review of decisions of the Bureau of Consumer Services (BCS) and any other case in which the issue is solely ability to pay may be assigned to a special agent.

(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.

(c) *Hearings.* The presiding officer will conduct hearings within a reasonable period after filing of the review and answer. If the presiding officer is a special agent, the special agent will have all powers of an administrative law judge.

(1) The presiding officer will attempt to hold hearings by telephone, unless one or more parties object. Hearings will be held after the filing of an answer.

(2) The presiding officer will hear the case de novo, but may request a stipulation of the parties as to undisputed facts.

(3) Hearings will be tape recorded and will not be transcribed, unless the parties request the use of a stenographer or a transcription of the tape or other circumstances warranting transcription exist. Unless objected to, parties may

make their own tape recording of the proceedings, but the only official record shall be that made by the presiding officer.

(d) *Proposed findings of fact and conclusions of law or briefs.* The parties shall have the opportunity of submitting proposed findings of fact and conclusions of law or briefs to the presiding officer. Notice of intent to submit findings of fact and conclusions of law or briefs shall be given at the hearing and they shall be submitted within 10 days of the hearing.

(e) *Initial decision.* The presiding officer will render a written decision after the hearings or after the receipt of proposed findings of fact and conclusions of law or briefs, if they are filed. The initial decision will be in writing and contain a brief description of the matter, findings of fact and conclusions of law. The initial decision will be subject to the filing of exceptions under the procedures in Chapters 1 and 5 (relating to rules of administrative practice and procedure; and formal proceedings).

#### Authority

The provisions of this § 56.404 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

#### Source

The provisions of this § 56.404 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359064).

#### Cross References

This section cited in 52 Pa. Code § 56.392 (relating to Commission informal complaint procedure).

### **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.

(1) *Pending informal complaint.* Pending the outcome of an informal complaint, the disputing party shall be obligated to pay that portion of a bill which is not honestly disputed. An amount ultimately determined, by the parties or the Commission, to have been validly due but not paid may be paid with interest at the tariff rate filed under § 56.272 (relating to accrual of late payment charges) except when interest charges have been reduced or eliminated by the parties or the Commission to facilitate payment by the disputing party.

(2) *Pending formal complaint.* Prior to the hearing on a formal complaint or prior to the issuance of a Commission order when no hearing is to be held

in a formal complaint proceeding, the customer shall be required to pay that amount which the consumer services representative determines is not disputed.

(3) *Overpayments reimbursed with interest.* An amount ultimately determined to have been overpaid by the disputing party shall be reimbursed with interest at the tariff rate filed under § 56.272.

(4) *Effect of offer of payment.* An offer by a customer to pay all or any portion of a bill may not be deemed a waiver of a right to reimbursement for amounts subsequently deemed, by the parties or the Commission, to have been overpaid.

(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.

#### Authority

The provisions of this § 56.411 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

#### Source

The provisions of this § 56.411 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359065).

#### Cross References

This section cited in 52 Pa. Code § 56.262 (relating to meter reading; estimated billing; customer readings); and 52 Pa. Code § 56.393 (relating to termination pending resolution of the dispute).

### Subchapter R. RESTORATION OF SERVICE

Sec.

56.421. Payment and timing.

56.422. Personnel available to restore service.

#### Authority

The provisions of this Subchapter R issued under the Public Utility Code, 66 Pa.C.S §§ 1401—1419, unless otherwise noted.

#### Source

The provisions of this Subchapter R adopted October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473, unless otherwise noted.

#### Cross References

This subchapter cited in 52 Pa. Code § 56.1 (relating to statement of purpose and policy); 52 Pa. Code § 56.251 (relating to statement of purpose and policy); and 52 Pa. Code § 56.252 (relating to definitions).

**§ 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:

- (i) The size of the unpaid balance.
- (ii) The ability of the customer to pay.
- (iii) The payment history of the customer.
- (iv) The length of time over which the bill accumulated.

(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(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.

**Authority**

The provisions of this § 56.421 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.421 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359066) to (359067).

**Cross References**

This section cited in 52 Pa. Code § 56.351 (relating to general provision); 52 Pa. Code § 56.355 (relating to restoration of service); 52 Pa. Code § 56.373 (relating to time for filing an informal complaint); and 52 Pa. Code § 56.422 (relating to personnel available to restore 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).

**Authority**

The provisions of this § 56.422 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.422 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359067).

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

Sec.

- 56.431. Public information.
- 56.432. Record maintenance.

**Authority**

The provisions of this Subchapter S issued under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419, unless otherwise noted.

**Source**

The provisions of this Subchapter S adopted October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473, unless otherwise noted.

**Cross References**

This subchapter cited in 52 Pa. Code § 56.1 (relating to statement of purpose and policy); 52 Pa. Code § 56.251 (relating to statement of purpose and policy); and 52 Pa. Code § 56.252 (relating to definitions).

**§ 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 all of the following:

- (1) Billing and estimated billing procedures.
- (2) Methods for customer verification of billing accuracy.
- (3) Explanation of operation of purchased gas adjustment clauses.
- (4) Payment requirements and procedures.
- (5) Security deposit and guarantee requirements.
- (6) Procedures for discontinuance and reconnection of service.
- (7) Dispute, informal complaint and formal complaint procedures.
- (8) Explanation of meter reading procedures which would enable a customer or occupant to read their own meter.
- (9) Procedure whereby customers or occupants may avoid discontinuance of service during extended periods of absence.
- (10) Third-party notification procedures.
- (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 Com-

monwealth which provides clear evidence of domestic violence, people with serious illnesses and low income households.

**Authority**

The provisions of this § 56.431 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.431 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359068).

**§ 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.
- (3) The number of service terminations and reconnections.
- (4) Communications to or from individual customers regarding interruptions, discontinuances, terminations and reconnections of service, including the name and address of the customer, the date and character of the dispute or complaint and the adjustment or disposal made of the matter.

**Authority**

The provisions of this § 56.432 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.432 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359069).

**Subchapter T. INFORMAL COMPLAINTS**

Sec.  
56.441. Informal complaints.

**Authority**

The provisions of this Subchapter T issued under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419, unless otherwise noted.

**Source**

The provisions of this Subchapter T adopted October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473, unless otherwise noted.

**Cross References**

This subchapter cited in 52 Pa. Code § 56.1 (relating to statement of purpose and policy); 52 Pa. Code § 56.251 (relating to statement of purpose and policy); and 52 Pa. Code § 56.252 (relating to definitions).

**§ 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.

**Authority**

The provisions of this § 56.441 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.441 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359069) to (359070).

**Cross References**

This section cited in 52 Pa. Code § 56.340 (relating to winter termination procedures).

**Subchapter U. GENERAL PROVISIONS**

Sec.

56.451. Availability of normal Commission procedures.

56.452. Applications for modification or exception.

56.453. Inconsistent tariff provisions.

**Authority**

The provisions of this Subchapter U issued under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419, unless otherwise noted.

**Source**

The provisions of this Subchapter U adopted October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473, unless otherwise noted.

**Cross References**

This subchapter cited in 52 Pa. Code § 56.1 (relating to statement of purpose and policy); 52 Pa. Code § 56.251 (relating to statement of purpose and policy); and 52 Pa. Code § 56.252 (relating to definitions).

**§ 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.

**Authority**

The provisions of this § 56.451 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.451 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359070).

**§ 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.

**Authority**

The provisions of this § 56.452 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.452 amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359070).

**§ 56.453. Inconsistent tariff provisions.**

A tariff provision inconsistent with this chapter is deemed nonoperative and superseded by this chapter.

**Subchapter V. [RESERVED]****Authority**

The provisions of this Subchapter V reserved under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this Subchapter V adopted October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; reserved May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359071) to (359072).

**Cross References**

This subchapter cited in 52 Pa. Code § 56.1 (relating to statement of purpose and policy); 52 Pa. Code § 56.251 (relating to statement of purpose and policy); and 52 Pa Code § 56.252 (relating to definitions).

**§ 56.461. [Reserved].****Authority**

The provisions of this § 56.461 reserved under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this § 56.461 reserved May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359071) to (359072).

**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, nurse practitioner or physician assistant certify 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: (Public Utility) Phone Number: (Public Utility) Address:

(d) Have your licensed physician, nurse practitioner or physician assistant send a letter to the public utility within 3 days verifying the medical condition.

If you are a victim of abuse and have an order issued by the courts, special medical emergency procedures and protections may be available. Call your public utility company to inform them so these special procedures and protections can be provided. Your public utility company may require you to provide them with a copy of your court order.

**Authority**

The provisions of this Appendix A amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this Appendix A adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial page (359072).

**Cross References**

This appendix cited in 52 Pa. Code § 56.91 (relating to general notice provisions and contents of termination notice); and 52 Pa. Code § 56.331 (relating to general notice provisions and contents of termination notice).

**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, nurse practitioner or physician assistant certify 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: (Public Utility) Phone Number: (Public Utility) Address:

(d) Have your licensed physician, nurse practitioner or physician assistant send a letter to the utility within 3 days verifying the medical condition.

If you are a victim of abuse and have an order issued by the courts, special medical emergency procedures and protections may be available. Call your public utility company to inform them so these special procedures and protections can be provided. Your public utility company may require you to provide them with a copy of your court order.

#### Authority

The provisions of this Appendix B amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

#### Source

The provisions of this Appendix B adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359072) to (359073).

#### Cross References

This appendix cited in 52 Pa. Code § 56.91 (relating to general notice provisions and contents of termination notice); 52 Pa. Code § 56.96 (relating to post-termination notice); 52 Pa. Code § 56.331 (relating to general notice provisions and contents of termination notice); and 52 Pa. Code § 56.336 (relating to post-termination notice).

### 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 Commission-related, dunning expenses and winter survey expenses.” Report the cumulative total as of the end of the 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 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 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 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 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 calendar year.

*Total dollar amount of active residential accounts in arrears and not on a payment arrangement*—Report the total dollar amount as of the end of the 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 arrangement*—Report the total dollar amount as of the end of the 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 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 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 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 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 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 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 calendar month.

*Total number of active residential accounts in arrears and not on a payment arrangement*—Report the total as of the end of the 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 arrangement*—Report the total as of the end of the 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 calendar month.

*Total number of customers that are requested or billed a security deposit*—Report the cumulative number as of the end of the 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 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 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 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 calendar month. Include customer assistance program recipients.

*Total number of reconnections for full customer payment, partial payment or payment 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 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 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 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 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 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 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 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 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 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 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 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 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 calendar month. Include customer assistance program recipients. The customer was contacted using the telephone in accordance with § 56.93.

#### **Authority**

The provisions of this Appendix C issued under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419; amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

#### **Source**

The provisions of this Appendix C adopted October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359073) to (359077).

#### **Cross References**

This appendix cited in 52 Pa. Code § 56.231 (relating to reporting requirements).

**APPENDIX D. DEFINITIONS (§ 56.231(d))**

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

*Annual residential billings*—Report the cumulative total dollar amount in residential billings during the 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 calendar year. Do not include customer assistance program credits, also known as 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 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 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 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 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 calendar month. Include customer assistance program recipients.

*Total number of residential customers*—Report the number as of the end of the 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 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 ser-

vice, fraud, meter tampering, and safety. Report the cumulative number as of the end of the calendar month. Include customer assistance program recipients.

**Authority**

The provisions of this Appendix D issued under the Public Utility Code, 66 Pa.C.S. 1401—1419; amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1401—1419, 1501 and 1509.

**Source**

The provisions of this Appendix D adopted October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473; amended May 31, 2019, effective June 1, 2019, 49 Pa.B. 2815. Immediately preceding text appears at serial pages (359077) to (359078).

**Cross References**

This appendix cited in 52 Pa. Code § 56.231 (relating to reporting requirements).

**APPENDIX E. THIRD-PARTY NOTIFICATION**

Once in a while, for one reason or another, a customer fails to pay his or her <UTILITY> bill. Under the Third-Party Notification program, <UTILITY> will notify you and another person you choose to receive copies of shut-off notices. The third-party can be a trusted relative, friend, clergy member, or social service agency. The Third-Party Notification program is voluntary and can help you if you are hospitalized, away from home for extended periods of time or homebound. The third-party is not responsible for paying your bills and this program will not stop <UTILITY> from shutting off your <UTILITY> service if you do not pay your bills. When a third-party contacts <UTILITY> about the shut off notice, we will tell them what you can do to stop the shut off. The third-party does not have the right to make a payment agreement for you.

To sign up, both you and the third-party must complete and sign the form below. Do not return this with your bill, return it to:

<UTILITY NAME>

<UTILITY ADDRESS>

<CITY, STATE, POSTAL CODE>

IMPORTANT THINGS TO REMEMBER:

\* Notify us immediately if you want to change or drop your third-party.

\* Notify us if your third-party moves.

\* Notify us if you move and you want the third-party transferred to your new address.

Please sign me up for the third-party Notification program. By completing this form and returning it to <UTILITY>, I request that a copy of any shut off notice be given to the person or agency named below.

CUSTOMER NAME:

<UTILITY> ACCOUNT/CUSTOMER NUMBER:

CUSTOMER ADDRESS:

CUSTOMER SIGNATURE:

DATE:

Receipt of a copy of a shut off notice by the third-party does not place any obligation on that party to pay the <UTILITY> bill for the customer named above nor will it necessarily stop shut off if payment is not made. The notice simply reminds the third-party of a chance to help the customer solve the problem.

THIRD-PARTY NAME:

THIRD-PARTY ADDRESS:

THIRD-PARTY SIGNATURE:

DATE:

#### **Authority**

The provisions of this Appendix E issued under the Public Utility Code, 66 Pa.C.S. §§ 1401—1419.

#### **Source**

The provisions of this Appendix E adopted October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473.

#### **Cross References**

This appendix cited in 52 Pa. Code § 56.131 (relating to third-party notification); and 52 Pa. Code § 56.361 (relating to third-party notification).

[Next page is 57-1.]

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