

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION**
Harrisburg, PA. 17105-3265

Public Meeting held November 13, 2008

Commissioners Present:

James H. Cawley, Chairman
Tyrone J. Christy, Vice Chairman
Robert F. Powelson
Kim Pizzingrilli
Wayne E. Gardner

Designation of Qualified Documents
for Electronic Filing

Docket No. M-2008-2072592
L-00070187

TENTATIVE ORDER

BY THE COMMISSION:

In our newly promulgated procedural regulations¹ to permit the electronic filing of documents, we determined that, after notice and opportunity to be heard, we would designate categories of documents as “qualified documents” for electronic filing. By this order, we are issuing for public comment a list of documents that we have tentatively designated as qualified documents for electronic filing.

DISCUSSION

A “qualified document” is a document that is listed in the categories of documents that are permitted to be filed electronically with the Commission. *See* 52 Pa. Code §1.8 (relating to definitions). Section 1.32(b)(2)(ii) of the Commission’s Rules of Practice and

¹ *Final Rulemaking to Permit Electronic Filing*, Order entered May 23, 2008 at Docket No. L-00070187.

Procedure states that a “qualified document” is one that is “listed in the categories of documents that the Commission, after notice and opportunity to be heard, has designated as being permitted to be filed electronically.” 52 Pa. Code § 1.32(b)(ii). The purpose of this Tentative Order is to set forth for public comment, categories of documents that will be designated as “qualified documents” for electronic filing. We expect that the electronic filing system will be operational in early 2009.

Documents proposed to be designated as “qualified documents” that may be filed electronically include:

Affiliated Interest Agreement

Affiliated Interest Agreement

Applications

Application (Railroad)

Application for Abandonment (Fixed Utility) - \$350 fee²

Application for Abandonment (Transportation & Safety (“T&S”)) - \$10 fee

Application for Additional Territory (Fixed Utility) - \$350 fee

Application for Additional Territory (T&S) - \$350 fee

Application for License (EGS) - \$350 fee

Application for License (NGS) - \$350 fee

Application for Temporary Authority (T&S) --\$100 fee

Application for Emergency Temporary Authority (T&S) - \$100 fee

Application to Acquire or Transfer Assets (Fixed Utility) - \$350 fee

Application to Acquire or Transfer Assets (T&S) - \$350 fee

Application to Begin Service (Fixed Utility) - \$350

Application to Begin Service

(Household Goods or Small Passenger) - \$350 fee

Application to Begin Service

(Large Passenger or Property) - \$100 fee

Application to Begin Service (Telco) - \$250 fee

Interconnection Agreement

² For convenience, the corresponding filing fee applicable to the document is also noted. See 66 Pa. C.S. § 317 (fees for services rendered by the Commission) and 52 Pa. Code § 1.43 (schedule of fees payable to the Commission).

Formal Complaint

Formal Complaint

Communication

Answer

Answer to Bureau Complaint

Answer to Petition

Certificate of Satisfaction

Comments

Comments - Reply

Notice of Appearance

Decision

Exceptions

Reply Exceptions

Miscellaneous Documents

Universal Service Fund

Other Filing

Certificate of Service

Notice of Intervention

Petition (Generic) for Existing Case

Petition for Extension of Time

Petition for Reconsideration

Petition for Rescission

Petition to Intervene

Petition to Withdraw

Preliminary Objection

Petition

Petition (New Case)

Petition for Emergency Order

Protest

Protest (Official)

Public Utility Municipal Contract
Public Utility Municipal Contract

Rate Filing

Rate Increase (T&S)
Tariff - New (Fixed Utility)
Tariff Revision (Fixed Utility)

Tariff Filing

Tariff Compliance (Fixed Utility)
Tariff Compliance (T & S)

Securities Certificate

Securities Certificate - \$350 fee
Securities Certificate - Abbreviated – \$25 fee

Supporting Documentation

Briefs
Briefs - Reply
Cover Letter
Motions
Statement in Support of Application (T&S)
Verification Statement

Also commenters should be aware that the Commission has already determined that documents containing confidential or proprietary information may not be filed electronically. In the proposed rulemaking order, we stated that:

In addition, filing users are prohibited from electronically filing any documents that contain proprietary or other confidential information, including confidential security information as defined in the Public Utility Confidential Security Information Disclosure Protection Act, Act 156 of

2006, P.L. No. 1435, No. 156, § 2.³ All documents containing proprietary or confidential information must be submitted in paper form.⁴ Filers have the option of filing redacted, public versions of such documents in either paper form or on a CD-ROM or DVD. The Commission will post redacted, public versions of documents on the electronic filing system.

Proposed Rulemaking Order, Order entered September 10, 2007 at Docket No. L-00070187 at p. 7. *See also Final Rulemaking Order* entered May 23, 2008 at Docket No. L-00070187, pp. 12-13. In the Final Rulemaking Order, we expanded the exception to prohibit the filings of sensitive and confidential information protected as an exemption to public disclosure by section 708 (B) of the Commonwealth's new *Right to Know Law* at 65 P. S. § 67.708(b) related to exceptions for public records. *See Final Rulemaking Order* at p. 4. *See* 52 Pa. Code §1.32(b) (4)(filing specifications; electronic filings; restriction for filings containing confidential information).

To facilitate public comment regarding our tentative designation of "qualified documents" eligible for electronic filing, a 14-day comment period is herein established. We urge that all interested persons file comments as soon as possible. Note that reply

³ The purpose of the *Public Utility Confidential Security Information Disclosure Protection Act* is to create mechanisms for the safeguarding of confidential security information of public utilities that is provided to various state agencies, such as the Commission, from disclosure that may compromise security against sabotage or criminal or terrorist acts. The Commission recently adopted final regulations implementing the act at Docket No. L-00070185. These regulations became effective on publication in the *Pennsylvania Bulletin* on August 23, 2008, 38 Pa.B. 4608, and may be accessed at <http://www.pabulletin.com/secure/data/vol38/38-34/1521.html>.

⁴ The standards for protection of "proprietary" information are set forth in section 5.423 of the Commission's regulations. *See* 52 Pa. Code § 5.423.

comments will not be permitted. If no comments are filed, the list of qualified documents as designated herein will become final without any further Commission action;

THEREFORE,

IT IS ORDERED:

1. That the list of documents proposed to be designated as qualified documents for electronic filing as set forth in this tentative order is issued to the public for comment.
2. That a comment period ending 14-days after the entry date of this order is hereby established.
3. That the Commission's contact person for this matter is Patricia Krise Burket, Assistant Counsel, (717) 787-3464.
4. That written comments, an original and 15 copies, shall be submitted to the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265. No reply comments will be permitted. Also, a copy of filed comments shall be sent by e-mail to Assistant Counsel Burket at pburket@pa.state.us. Comments should specifically reference the above-referenced docket number.
5. That a copy of this order, any accompanying statements of the Commissioners and the appendices be served upon all persons who submitted comments in the *Proposed Rulemaking to Permit Electronic Filing* at Docket L-00070187, and shall be made available to all other interested parties and posted on the Commission's web page.

6. That a final Order shall be issued subsequent to the receipt and evaluation of any comments filed in accordance with this tentative order. If no comments are filed, this Tentative Order will become final without further Commission action.

BY THE COMMISSION,

James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: November 13, 2008

ORDER ENTERED: **NOV 19 2008**