**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**HARRISBURG, PENNSYLVANIA 17105**

**RULEMAKING TO AMEND THE Public Meeting February 24, 2011**

**PROVISIONS OF 52 Pa. CODE, 1202907-BCS**

**CHAPTER 56 TO COMPLY WITH Docket No. L-00060182**

**THE PROVISIONS OF 66 Pa.**

**C.S., CHAPTER 14; GENERAL**

**REVIEW OF REGULATIONS**

**MOTION OF**

**COMMISSIONER ROBERT F. POWELSON**

Before the Commission today for consideration is the Final Rulemaking Order amending the Commission’s Regulations found at Chapter 56 of the Pennsylvania Code to make them consistent with Chapter 14 of the Public Utility Code. This Rulemaking has been years in the making and I would like to thank the Commission staff, who have devoted many hours to this massive undertaking and whose efforts have made these updated Regulations as clear and consistent as possible.

One of the more contentious items in this update was Chapter 14’s changes to the medical certificate procedure, found at Sections 1406 and 1407.[[1]](#footnote-1) Prior to the enactment of Chapter 14, the Commission’s Regulations stated that utilities could not terminate or refuse to restore service to premises where a physician certified that an occupant was seriously ill or affected by a condition that would be aggravated by the termination of service.[[2]](#footnote-2) In the Commission’s Proposed Rulemaking amending Chapter 56, this language was limited to more closely track the language of Chapter 14. In my view, however, the language of Sections 56.111 and 56.191 should be further revised to correctly implement the standards for medical certificates set forth in Sections 1406 and 1407 of the Public Utility Code.

Specifically, Section 56.111 should be changed to reflect the requirement that once a licensed physician or nurse practitioner has certified to the utility that the “customer or member of the customer’s household is seriously ill or afflicted with a medical condition that will be aggravated by the cessation of service[,]” the customer must provide the utility with a letter from a licensed physician verifying the condition that was the basis for the medical certificate.[[3]](#footnote-3)

Further, Sections 56.111 and 56.191 should be amended to specify that medical certificates, by themselves, are not enough to require a utility to restore service. Section 1407 sets forth the rules for reconnection of service. A plain reading of this Section reveals that medical certificates are only mentioned in 1407(b), the subsection that specifies the rules utilities must follow regarding the timing of reconnection of service. Nothing in 1407(b) erodes a utility’s rights under 1407(a), which permits utilities to charge reconnection fees, or 1407(b), which allows utilities to require payment of all or a portion of an applicant’s outstanding balance before reconnection. Further, 1407(b) clearly states that utilities are only required to abide by the timing provisions “provided the applicant has met all applicable conditions.” Thus, it is only after an applicant for service has complied with “all applicable conditions” that medical certificates play a role in the restoration of service, and that role is only to accelerate the timeframe the utility has to restore the applicant’s service.[[4]](#footnote-4)

I believe these changes are not only necessary to comply with Chapter 14, but are also sound public policy. Duquesne Light Company, the smallest of the large electric distribution companies, estimated that the costs of complying with the existing medical certificate procedures in Chapter 56 are $860,000 annually. These are costs that must be borne by all utility ratepayers, just as those same ratepayers will ultimately pay for the bad debt expense utilities accrue because of customers who abuse the termination and restoration process. I believe that the Commission has an obligation to take every action within its authority to limit the ability of bad actors to “game” these rules. Customers with legitimate medical conditions have ample time to provide utilities with the necessary information to ensure the continuation of service. It is only after the customer relationship is severed, following numerous notices from the utility outlining the steps to avoid termination, that the right to use a medical certificate as a tool to guarantee the continuation of service ceases.

**THEREFORE, IT IS ORDERED THAT:**

1. The Final Rulemaking Order is adopted, as modified by this Motion.
2. Law Bureau, in consultation with the Bureau of Consumer Services, prepare the appropriate Opinion and Order.

**DATED: February 24, 2011** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Robert F. Powelson**

**Commissioner**

1. 66 Pa. C.S. §§ 1406, 1407. [↑](#footnote-ref-1)
2. 52 Pa. Code § 56.111. [↑](#footnote-ref-2)
3. 66 Pa. C.S. § 1406(f). [↑](#footnote-ref-3)
4. 66 Pa. C.S. § 1407(b). [↑](#footnote-ref-4)