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

|  |  |
| --- | --- |
|  | Public Meeting held August 15, 2013 |
| Commissioners Present: |  |

|  |  |
| --- | --- |
|  Robert F. Powelson, Chairman |  |
|  John F. Coleman, Jr., Vice Chairman |  |
|  Wayne E. Gardner |  |
|  James H. Cawley |  |
|  Pamela A. Witmer |  |
|  |  |
|  |  |

Amendment of Paper Copy and Docket Nos. L-2012-2324073

Electronic Copy Filing Requirements L-2012-2296005

 L-00070187

 M-2012-2317481

 M-2008-2072592

**FINAL RULEMAKING ORDER**

**BY THE COMMISSION:**

On February 28, 2013, the Pennsylvania Public Utility Commission (Commission) issued a Proposed Rulemaking Order proposing to implement changes to our procedural regulations to: (1) eliminate the requirement to file additional paper copies, beyond a signed original, of certain documents, (2) increase the size limit of qualified documents that may be electronically filed (eFiled) with the Commission and (3) dispense with the requirement for a paper copy of eFiled documents, that are less than 250 pages in length, to be filed with the Commission. The Commission proposed these changes to our regulations in order to simplify practice before the Commission and diminish the burden upon parties appearing before the Commission by reducing the amount of paper they must file with the agency. Based upon our review and consideration of the comment filed in support of this rulemaking proceeding by the Energy Association of Pennsylvania (EAP), we shall adopt the final regulations as set forth in Annex A to this Order.

**BACKGROUND**

On February 28, 2013, the Commission issued a Proposed Rulemaking Order, Docket Nos. L-2012-2324073, L-2012-2296005, L-00070187, M-2012-2317481and M-2008-2072592, proposing a number of modifications to our existing regulations to facilitate significant savings of time and resources for both parties appearing before the Commission and Commission staff by reducing paper copy filings in general. To maximize efficiency, the Commission encouraged interested parties filing comments in response to our February 28, 2013 Proposed Rulemaking Order to point out any further regulations containing paper copy filing requirements that may also be appropriate for elimination and/or waiver.

**DISCUSSION**

In response to our proposed amendments set forth in the February 28, 2013 Proposed Rulemaking Order and Annex A thereto, the Commission received comments in support of the rulemaking from EAP. In its comments, EAP applauded the Commission’s initiative to review and streamline its procedural regulations for document filings and supports the amendments contained within Annex A. EAP further commented that it looks forward to working with the Commission as it continues to seek to simplify its current processes so as to promote efficiency and administrative economy in its regulatory role.

The Independent Regulatory Review Commission (IRRC) reviewed the Commission’s proposed amendments and had no objections, comments or recommendations to offer on the regulations contained within Annex A.

**CONCLUSION**

The amendments to our regulations contained within Annex A of this order will simplify practice before the Commission and diminish the burden upon parties appearing before the Commission by reducing the amount of paper they must file with the agency. These amendments will also result in significant savings of time and resources for parties appearing before the Commission and for Commission staff by reducing paper copy filings. The Commission, therefore, formally adopts the final regulations as set forth in Annex A to this Order.

Accordingly, pursuant to Sections 501, 504, 505, 506, 1501, 3009(b),(d), and 2801, *et seq.,* and the regulations promulgated thereunder at 52 Pa. Code §§ 57.191-57.197; and sections 201 and 202 of the act of July 31, 1968 P.L. 769, No. 240, 45 P.S.

§§ 1201 and 1202, and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act, 71 P.S. § 732.204(b); section 745.5 of the Regulatory Review Act, 71 P.S. § 745.5 and Section 612 of the Administrative Code of 1929, 71 P.S. § 232, and the regulations promulgated thereunder at 4 Pa. Code §§ 7.231-7.234, we will adopt as final the amendments to the regulations as set forth in Annex A, attached hereto; **THEREFORE,**

**IT IS ORDERED:**

1. That the Commission adopt the final regulations as set forth in Annex A.
2. That the Secretary shall submit this order and Annex A to the Office of Attorney General for approval as to legality.
3. That the Secretary shall submit this order and Annex A to the Governor’s Budget Office for review of fiscal impact.
4. That the Secretary shall submit this order and Annex A for review by the designated standing committees of both houses of the General Assembly, and for review and approval by the Independent Regulatory Review Commission.
5. That the Secretary shall duly certify this order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin.*
6. That these regulations shall become effective upon publication in the *Pennsylvania Bulletin.*
7. That this order and Annex A be posted on the Commission’s website.
8. That a copy of this order and Annex A shall be served on the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate, and jurisdictional public utility industry and licensee trade associations.
9. That the contact person for legal matters for this final rulemaking is Krystle J. Sacavage, Assistant Counsel, Law Bureau, (717) 787-5262. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau, (717) 772-4597.



**BY THE COMMISSION**,

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: August 15, 2013

ORDER ENTERED: August 15, 2013

**ANNEX A**

**TITLE 52. PUBLIC UTILITIES**

**PART I. PUBLIC UTILITY COMMISSION**

**Subpart A. GENERAL PROVISIONS**

**CHAPTER 1. RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE**

**Subchapter D. DOCUMENTARY FILINGS**

**§ 1.32. Filing specifications.**

\* \* \* \* \*

(b) *Electronic filings*.

\* \* \* \* \*

(3) *Size restriction*. A filing, including attachments, that exceeds [5] 10 megabytes may not be filed electronically.

#### \* \* \* \* \*

**§ 1.37. Number of copies.**

(a) *Paper filings*. When a pleading, submittal or document other than correspondence is submitted in hard copy, an original and [three copies of each, including] the cover letter[,] shall be furnished to the Commission at the time of filing, except when:

\* \* \* \* \*

(5) A filing, including attachments, exceeds [5] 10 megabytes, in addition to filing the requisite number of hard copies in accordance with this subpart, a CD-ROM or DVD containing the filing and an index to the filing shall be filed with the Commission.

(b) *Electronic filings.*

(1) When the qualified document, including attachments, is 250 pages or less and does not exceed [5] 10 megabytes, the filing user may file one electronic copy on the electronic filing system and is not required to file paper copies.

(2) When the qualified document, including attachments, exceeds 250 pages, but does not exceed [5] 10 megabytes, the filing user may file one electronic copy on the electronic filing system and shall also file the original in paper form with the Commission. The original in paper form shall be filed no later than 3 business days after the electronic filing is submitted. The filing date for the qualified document in paper form will be determined in accordance with § 1.11(a)(1)—(3) (relating to date of filing).

\* \* \* \* \*

**Subchapter F. SERVICE OF DOCUMENTS**

**§ 1.59. Number of copies to be served.**

\* \* \* \* \*

(c) When a document, including attachments, exceeds [5] 10 megabytes and must be filed with a CD-ROM or DVD in accordance with § 1.37(a)(5) (relating to number of copies), a party may request service of one copy of the document on a CD-ROM or a DVD instead of one paper copy.

\* \* \* \* \*

**CHAPTER 3. SPECIAL PROVISIONS**

**Subchapter B: INFORMAL PROCEEDINGS GENERALLY**

**APPLICATIONS**

**§ 3.101. Municipal contracts.**

No formal application need accompany municipal contracts filed under section 507 of the act (relating to contracts between public utilities and municipalities), but an executed copy or reproduction copy of the contract [and two additional copies] shall be filed with the Commission at least 30 days prior to the effective date of the contract.

**Subchapter E. MOTOR TRANSPORTATION PROCEEDINGS**

**§ 3.381. Applications for transportation of property, household goods in use and persons.**

(a) *Applications.*

\* \* \* \* \*

(3) *Filing and verification*. An original application[, together with two copies,] shall be filed by the applicant, or an authorized officer or representative, with the Secretary of the Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, Pennsylvania 17105-3265. The application shall be verified under § 1.36 (relating to verification). An application by a common carrier for a certificate of public convenience authorizing the transportation of passengers or household goods in use may be accompanied by verified statements of the applicant and supporting party or firm, as set forth in subsection (c)(1)(iii)(A)(II) and (III). An application by a contract carrier for a permit authorizing the transportation of passengers or household goods in use may be accompanied by a verified statement of the applicant, as set forth in subsection (c)(1)(iii)(A)(II) and a copy of the bilateral contract or statement of the shipper that it will enter into a bilateral contract with the carrier.

\* \* \* \* \*

**§ 3.383. Applications for temporary authority and emergency temporary authority.**

\* \* \* \* \*

(c) *Filing of applications.* An application shall be filed as follows:

(1) *How and where filed.* An original [and one copy] of each application for TA or ETA (Form C) is to be filed with the Secretary, Pennsylvania Public Utility Commission, Harrisburg, Pennsylvania 17105-3265. The envelope containing the application shall be clearly marked: ‘‘TA’’ APPLICATION or ‘‘ETA’’ APPLICATION.

\* \* \* \* \*

**Subchapter G. WATER OR WASTEWATER UTILITY PROCEEDINGS**

**§ 3.501. Certificate of public convenience as a water supplier or wastewater collection, treatment or disposal provider.**

\* \* \* \* \*

(c) *Filing*. Applications under this section must conform to § § 1.31 and 1.32 (relating to requirements for documentary filings; and [form of documents] filing specifications), and include a mode of payment as prescribed by § 1.42 (relating to mode of payment of fees) and in the amount delineated in § 1.43 (relating to schedule of fees payable to the Commission). The applicant shall file with the Commission the original [and three copies] of the application. An application which fails to include the information and documents outlined in subsections (a) and (b), as specified by the Commission for water and wastewater collection, treatment or disposal companies, is subject to rejection by the Commission. The original [and three copies] must contain exhibits. An affidavit of service showing the identity of those served under subsection (f) shall accompany the original [and the copies of the] application filed with the Commission.

\* \* \* \* \*

**CHAPTER 5. FORMAL PROCEEDINGS**

**Subchapter G. BRIEFS**

**§ 5.502. Filing and service of briefs.**

\* \* \* \* \*

(b) *Number of copies.*

(1) *Paper filing*. An original [and nine copies] of a brief shall be filed with the Commission under § 1.4 (relating to filing generally).

\* \* \* \* \*

**Subpart B. CARRIERS OF PASSENGERS OR PROPERTY**

**CHAPTER 23. TARRIFS FOR COMMON CARRIERS**

**RATES RELATED TO VALUE OF SHIPMENTS**

**§ 23.101. Applications to establish rates related to value.**

\* \* \* \* \*

(d) [Four copies] An original of each application shall be filed[, one of which] and shall be verified.

\* \* \* \* \*

**GRANTING OF POWER OF ATTORNEY AND ISSUING OF
CONCURRENCE IN TARIFFS OF COMMON CARRIERS**

**§ 23.121. Filing of tariffs of joint rate.**

\* \* \* \* \*

(b) The forms prescribed shall be on paper 8 by 10 1/2 inches in size, and may be either printed or typewritten. The original [and one copy] of the form shall be filed with the Commission and a copy furnished to the carrier or agent in whose favor the instrument is issued.

\* \* \* \* \*

**CHAPTER 29. MOTOR CARRIERS OF PASSENGERS**

**Subchapter D: SUPPLEMENTAL REGULATIONS**

**SCHEDULED ROUTE SERVICE**

**§ 29.303. Service standards and requirements.**

(a) *Time schedules.* Common carriers providing scheduled route service shall file with the Commission [two copies] an original of time schedules applicable to the service at least 10 days prior to the effective date thereof. Printed time schedules and information with respect thereto shall be made available to the public upon a reasonable request.

\* \* \* \* \*

**CHAPTER 32. MOTOR CARRIER INSURANCE**

**Subchapter A: GENERAL**

**§ 32.2. Insurance forms and procedures.**

\* \* \* \* \*

(c) *Filing and copies.* [Certificates]An original of each certificate of insurance, surety [bonds and notices] bond and notice of cancellation shall be filed with the Commission [in triplicate]. An approved copy will be returned to sender if a self-addressed, stamped envelope is enclosed with the filing.

\* \* \* \* \*

**Subpart C. FIXED SERVICE UTILITIES**

**CHAPTER 53. TARIFFS FOR NONCOMMON CARRIERS**

**INFORMATION FURNISHED WITH THE FILING
OF RATE CHANGES**

**§ 53.51. General.**

\* \* \* \* \*

(b) Utilities [with over $100,000 gross revenues] shall file with the Commission Secretary [a minimum of eight copies] an original of the proposed rate changes and of the data required under this chapter[; all others shall so file a minimum of five copies]. If necessary or appropriate, the Secretary shall request additional copies.

\* \* \* \* \*

**CHAPTER 54. ELECTRICITY GENERATION CONSUMER CHOICE**

**Subchapter B. ELECTRICITY GENERATION SUPPLIER LICENSING**

**§ 54.32. Application process.**

\* \* \* \* \*

(c) An original [and eight copies] of the completed application and supporting attachments shall be filed. An application for a license shall be accompanied by the application fee as established in § 1.43 (relating to schedule of fees payable to the Commission).

\* \* \* \* \*

**Subchapter H. RETAIL ELECTRICITY CHOICE SALES ACTIVITY REPORTS**

**§ 54.203. Reporting requirements.**

\* \* \* \* \*

(b) *Report forms.*

\* \* \* \* \*

(3) An EDC or active EGS shall file an original [and two copies] of a completed paper report form with the Commission’s Secretary and [CEEP] the Bureau of Technical Utility Services. When the report form is filed electronically, one paper copy of the report form shall be filed with the Commission’s Secretary no later than 15 days after the report is due when the report form exceeds 250 pages.

\* \* \* \* \*

**CHAPTER 57. ELECTRIC SERVICE**

**Subchapter G. COMMISSION REVIEW OF SITING AND CONSTRUCTION OF ELECTRIC TRANSMISSION LINES**

**§ 57.72. Form and content of application.**

\* \* \* \* \*

(d) Letter of notification in lieu of application:

\* \* \* \* \*

(2) The applicant shall file with the Commission the original [and six copies] of the letter of notification and an affidavit of service showing the identity of those served under paragraph (3).

\* \* \* \* \*

**§ 57.74. Filing and service of application and notice of filing.**

(a) *Filing.* The applicant shall file with the Commission the original [and six copies] of the application. An affidavit of service showing the identity of those served under subsections (b) and (c) shall accompany the original [and the copies of the] application filed with the Commission.

\* \* \* \* \*

**Subchapter L. ANNUAL RESOURCE PLANNING REPORT**

**§ 57.141. General.**

(a) An electric distribution company (EDC), as defined in 66 Pa.C.S. § 2803 (relating to definitions), shall submit to the Commission the Annual Resource Planning Report (ARPR) that contains the information prescribed in this subchapter. An original [and three copies] of the report shall be submitted on or before May 1, 2000 and May 1 of each succeeding year. One copy of the report shall also be submitted to the Office of Consumer Advocate (OCA) and the Office of Small Business Advocate (OSBA). The name and telephone number of all persons having knowledge of the matters, and to whom inquiries should be addressed, shall be included.

\* \* \* \* \*

**Subchapter N. ELECTRIC RELIABILITY STANDARDS**

**§ 57.195. Reporting requirements.**

(a) An EDC shall submit an annual reliability report to the Commission, on or before April 30 of each year.

(1) An original [and six copies] of the report shall be filed with the Commission’s Secretary and one copy shall also be submitted to the Office of Consumer Advocate and the Office of Small Business Advocate.

\* \* \* \* \*

(d) An EDC shall submit a quarterly reliability report to the Commission, on or before May 1, August 1, November 1 and February 1.

(1) An original [and six copies] of the report shall be filed with the Commission’s Secretary and one copy shall also be submitted to the Office of Consumer Advocate and the Office of Small Business Advocate.

\* \* \* \* \*

**CHAPTER 59. GAS SERVICE**

**ANNUAL RESOURCE PLANNING REPORT**

**§ 59.81. Periodic reporting requirements for major gas utilities.**

(a) For the purposes of this subchapter, each jurisdictional public utility with sales of 8 billion cubic feet per year or more including transportation volume shall submit to the Commission an annual integrated resource planning report. Except for Form 1A/2A, whose filing date is March 1, [copies] an original copy of the report shall be submitted on or before June 1, 1996, and June 1 of successive years. [An original and five copies of the report shall be submitted.] This report shall include a plan that includes the past year’s historical data, program changes, and the next 3-year forecast. One copy of the report shall also be submitted to the Office of Consumer Advocate, the Office of Small [Busines Advocate and the Office of Trial Staff] Business Advocate and the Bureau of Investigation and Enforcement. The information contained within the report shall conform to the following requirements:

\* \* \* \* \*

**CHAPTER 62. NATURAL GAS SUPPLY CUSTOMER CHOICE**

**Subchapter D: LICENSING REQUIREMENTS FOR NATURAL GAS SUPPLIERS**

**§ 62.103. Application process.**

\* \* \* \* \*

(b) An original [and eight copies] of the completed application and supporting attachments shall be filed. [An electronic copy of the application shall also be filed.] An application for a license shall be accompanied by the application fee as established in § 1.43 (relating to schedule of fees payable to the Commission).

\* \* \* \* \*