

PENNSYLVANIA BULLETIN

Volume 52
Saturday, March 26, 2022 • Harrisburg, PA
Number 13
Pages 1725—1966

See Part II page 1875
for the Rules and Regulations
and for the Governor's Office
Regulatory Agenda

Part I

Agencies in this issue

The Courts
Department of Agriculture
Department of Banking and Securities
Department of Community and Economic
Development
Department of Education
Department of Environmental Protection
Department of Health
Department of State
Department of Transportation
Environmental Quality Board
Executive Board
Fish and Boat Commission
Governor's Office
Independent Regulatory Review Commission
Insurance Department
Pennsylvania Public Utility Commission
Philadelphia Parking Authority
State Board of Auctioneer Examiners
State Board of Medicine
State Board of Nursing
State Conservation Commission
Susquehanna River Basin Commission
Detailed list of contents appears inside.



joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and Everstream Solutions, LLC, joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-479. Filed for public inspection March 25, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Waiver of Regulations Regarding Service Requirements

Public Meeting held
March 10, 2022

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; John F. Coleman, Jr., Vice Chairperson; Ralph V. Yanora

Waiver of Regulations Regarding Service Requirements;
M-2021-3028321

Order

By the Commission:

On March 6, 2020, pursuant to subsection 7301(c) of the Emergency Management Services Code, 35 Pa.C.S. §§ 7101, et seq., Governor Tom Wolf issued a Proclamation of Disaster Emergency (Proclamation) proclaiming the existence of a disaster emergency throughout the Commonwealth, which Proclamation was timely renewed throughout the last fifteen months. The Proclamation authorized and directed the suspension of "the provisions of any regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions. . . would in any way prevent, hinder, or delay necessary action in coping with this emergency."

In response to the COVID-19 pandemic, the Commission implemented telework for its entire staff. That meant that the physical locations of the Commission, the Keystone Building in Harrisburg as well as satellite state office buildings in Philadelphia, Pittsburgh, and elsewhere across Pennsylvania, were not in use until further direction from the Commission. This presented many challenges for the Commission, the regulated community, and the public.

Under these circumstances, it was necessary for the Commission to take additional measures to ensure continued operations. These measures were intended to prevent regulatory or statutory procedural rules from interfering

with the overall conduct of Commission business during the emergency. Therefore, on March 20, 2020, Chairman Gladys Brown Dutrieuille issued an Emergency Order that provided for the suspension of regulatory and statutory deadlines under appropriate circumstances and modified filing and service requirements. The Commission unanimously ratified the March 20 Emergency Order at its March 26, 2020, Public Meeting.

Our March 26, 2020, Order provided, inter alia, that the Commission shall accept only e-filings of all documents. 52 Pa. Code § 1.4. Additionally, that Order provided that any filings containing confidential or proprietary information should be emailed to the Secretary of the Commission at rchietta@pa.gov. Finally, and significant to our present Order, we directed that service by the Commission on parties will be exclusively electronic and service on Commission staff, as a party or otherwise, also shall be exclusively electronic.

On June 10, 2021, the Pennsylvania Legislature passed a Concurrent Resolution (HR106) which terminated the Governor's Proclamation originally declared on March 6, 2020, and as amended and renewed. In a related action, Governor Wolf signed into law HB 854 on June 11, 2021, which provides "temporary regulatory flexibility authority" to "Commonwealth agencies" which issued an Order suspending a regulatory statute prescribing the procedures for conduct of Commonwealth business, or an Order, rule or regulation of a Commonwealth agency which was suspended under 35 Pa.C.S. § 7301(F)(1). Under HB 854, such Orders are extended until September 30, 2021, unless sooner terminated by the authority initially authorizing them.

In light of the termination of the Proclamation of Disaster Emergency and the "temporary regulatory flexibility authority" provided in HB 854, the Commission revised the March 26, 2020, Order by adopting an expiration date of September 30, 2021.

On September 15, 2021, we issued an order concerning service of documents by and on the Commission. We recognized that the electronic service requirements we adopted were essential to ensuring continued, uninterrupted operations, providing needed flexibility. Specifically, we recognized that that the pandemic and its changing nature require certain procedural flexibility for the public, the regulated community, and the Commission.

Toward this end, we continued to permit electronic service by the Commission on all parties, regardless of whether a particular party has agreed to electronic service. An exception to this general waiver is where the Public Utility Code requires service by specified means, e.g., Section 702; or where our regulations require a specific service type, e.g., 52 Pa. Code § 3.391. We directed that the Commission memorialize proof of electronic service on its electronic docketing system. Additionally, we directed that service on Commission staff in proceedings pending before it, whether staff is a party or otherwise, shall be exclusively electronic unless the parties agree otherwise. We directed that this waiver will expire on April 1, 2022, without further Commission action, unless renewed prior to that date.

Currently, while the Commission's physical facilities are open for business, some of the operational restraints occasioned by the pandemic remain. The pandemic and its changing nature require procedural flexibility for the public, the regulated community, and the Commission. Furthering this objective, we find that the waiver of the

service requirements in our regulations, as outlined above, shall continue until October 1, 2022. Our authority to waive our regulations is provided at Section 501 of the Public Utility Code.¹ Additionally, our regulations allow for waiver of procedural regulations at 52 Pa. Code §§ 1.2, 1.91, and 5.43. We reiterate that our action today is not based on the prior Proclamation of Disaster Emergency, but rather our general regulatory authority and the need for continued flexibility in response to the pandemic; *Therefore,*

It Is Ordered:

1. Consistent with this Order, service by the Commission on parties will be exclusively electronic and service on Commission staff, as a party or otherwise, also shall be exclusively electronic.

2. The service requirements set forth in the Commission's regulations at 52 Pa. Code §§ 1.53 and 1.54 regarding are hereby waived, consistent with this Order.

3. That this waiver will expire on October 1, 2022, without further Commission action, unless renewed prior to that date.

4. That the Law Bureau shall publish a copy of this Order in the *Pennsylvania Bulletin*.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: March 10, 2022

ORDER ENTERED: March 10, 2022

[Pa.B. Doc. No. 22-480. Filed for public inspection March 25, 2022, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority applications to render service as common carriers in the City of Philadelphia have been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than April 11, 2022. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The applications are available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants or attorneys, or both.

¹ § 501. General powers.

(a) Enforcement of provisions of part.—In addition to any powers expressly enumerated in this part, the commission shall have full power and authority, and it shall be its duty to enforce, execute and carry out, by its regulations, orders, or otherwise, all and singular, the provisions of this part, and the full intent thereof; and shall have the power to rescind or modify any such regulations or orders. The express enumeration of the powers of the commission in this part shall not exclude any power which the commission would otherwise have under any of the provisions of this part.

Doc. No. A-22-03-02. Sanidou Taxicab, LLC (300 North Front Street, Apartment D22, Darby, PA 19023): An application for a medallion taxicab certificate of public convenience to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

SCOTT PETRI,
Executive Director

[Pa.B. Doc. No. 22-481. Filed for public inspection March 25, 2022, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Hamilton Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, so individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.