

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

Public Meeting held September 15, 2022

Commissioners Present:

Gladys Brown Dutrieuille, Chairman
John F. Coleman, Jr., Vice Chairman
Ralph V. Yanora

Waiver of Regulations Regarding Service
Requirements

M-2021-3028321

ORDER

BY THE COMMISSION:

On March 10, 2022, we adopted an Order temporarily waiving our regulations at 52 Pa Code §§ 1.53 and 1.54, governing service *by* and *on* the Commission. That Order was a continuation of prior orders of the Commission¹, whereby the Commission permitted 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. Significantly, we directed that this waiver would expire on October 1, 2022, without further Commission action, unless renewed prior to that date.

¹ The March 10, 2022 Order contains a detailed history of our prior actions.

The March 10, 2022 Order was the continuation of necessary actions in response to the Covid-19 pandemic and the Commission’s adoption of telework. 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.

The Commission’s original action² in this regard was grounded in the authority provided by the Proclamation of Disaster Emergency (Proclamation) issued by Governor Tom Wolf, proclaiming the existence of a disaster emergency throughout the Commonwealth. However, with the termination of the Proclamation, the authority for our later actions waiving the service requirements were grounded in the Public Utility Code and Commission regulations.

We find that the waiver of the service requirements in our regulations, as outlined above, shall continue until April 3, 2023. Our authority to waive our regulations is provided at Section 501 of the Public Utility Code.³ 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,**

² 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.

³ § 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.

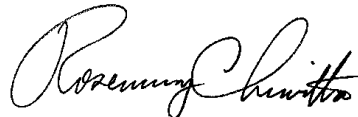
IT IS ORDERED:

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 are hereby waived, consistent with this Order.

3. That this waiver will expire on April 3, 2023, without further Commission action, unless renewed prior to that date.

BY THE COMMISSION



Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: September 15, 2022

ORDER ENTERED: September 15, 2022