

Pennsylvania Telephone Association

*"The Communications
Leader in Pennsylvania"*

Steven J. Samara
President

February 8, 2023

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Rulemaking to Review Cyber Security Self- Certification Requirements and
the Criteria for Cyber Attack Reporting: Advance Notice of Proposed Rulemaking

Docket Number: L-2022-3034353

Dear Secretary Chiavetta:

The Pennsylvania Telephone Association (PTA or companies) hereby submits these comments in response to the Pennsylvania Public Utility Commission (PUC or Commission) Order of November 10, 2022, at Docket Number L-2022-3034353 and subsequent publication in the Pennsylvania Bulletin on December 10, 2022.

The PTA applauds the Commission's initiative in this matter and appreciates the opportunity to offer perspectives from the rural local exchange carrier industry.

The Commission Order directs comments to be filed in response to one or more of the numbered topics in Appendix A of the Advance Notice of Proposed Rulemaking (ANOPR). While the comments of the PTA Member Companies do not address all of the topics, we reserve the right to comment going forward as the Commission advances further discussion on this important matter.

1. The PUC seeks comments from interested stakeholders, including members of the regulated industry, statutory advocates, the public, and any other interested parties about whether the existing regulations are sufficient or if they need to be revised to ensure that they address public utility fitness in the current and anticipated future cybersecurity threat landscapes.

PTA Response: The companies believe that the Commission's current self-certification framework is adequate, especially in light of current federal requirements, pending federal legislation, and the recent release of a concept paper from the National Institutes of Standards and Technology (NIST) which will help guide companies and federal agencies on changes in cybersecurity.

3. The PUC seeks comment on the relative merits and weaknesses of each of the approaches within the heading "Exploring Approaches to Ensuring Cybersecurity Fitness in Public Utilities" and which of these approaches, some combination of these approaches, or some other approach, provides the PUC, the utility and its ratepayers with the greatest potential assurance that a utility is adequately prepared to address cyber security threats.

PTA Response: As outlined in existing regulations, requiring a public utility to self-certify that it has a plan, a program, or both, that complies with criteria set forth and reporting annually to the PUC that such plans and/or programs exist and are updated and tested annually seems sufficient.

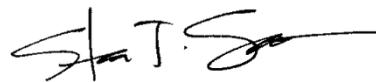
- 8-9. The PUC seeks comment on ways to streamline and otherwise improve the filing, handling, and storage of SCFs.

PTA Response: Electronic filing of the self-certification form would help modernize the process. In addition, for companies with multiple in-state entities, a consolidated form applicable to all of them would be ease the submission process without limiting any information the Commission seeks.

10. The PUC seeks comment on potential ways to revise the reporting criteria in its existing regulations, including the potential addition of new requirements for reporting incidents involving IT.

PTA Response: Based upon the comments submitted above, the PTA strongly opposes any additional reporting requirements, particularly those related to incident reports, that would be solely imposed upon the regulated telephone industry, but not any other sector of telecommunications service providers. Against a backdrop of increasing competition and a stated legislative goal of lesser regulation, the Commission should not further enlarge the PTA member companies' reporting requirements, without complying with Pennsylvania statute.¹ The PTA suggests that additional reporting obligations for cybersecurity do not meet the statutory tests and the incumbent telephone companies be excluded, as the Commission has previously acknowledged in prior ruling on service outage² and diversity³ reporting. The PTA Companies do not oppose the continuation of the current self-certification process.

Sincerely,



Steven J. Samara, President

¹ 66 Pa.C.S. § 3015.

² *Utilities' Service Outage Response and Restoration Practices*, L-2009-2104274, Order entered Sept. 23, 2011.

³ *Diversity Reporting of Major Jurisdictional Utilities*, L-2020-3017284, Final Rulemaking Order entered April 14, 2022.