

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**  
**Harrisburg, PA 17120**

**Policy Statement on Public and Private Fire  
Protection, 52 Pa. Code §§ 69.1501—69.1504**

**Public Meeting of December 21, 2023  
3033054-LAW  
Docket No. M-2022-3033054**

**MOTION OF COMMISSIONER RALPH V. YANORA**

Before the Pennsylvania Public Utility Commission (Commission) for consideration is the Final Policy Statement (Policy Statement) setting forth recommended guidelines for the provision of public and private fire protection service by water public utilities. The intent of the Policy Statement is to provide water utilities with a best practice guide for fire protection service and system hydraulic monitoring. Ensuring that regulated fire protection service offerings are safe, reasonable, and adequate is a matter of utmost concern to the Commission and the public.

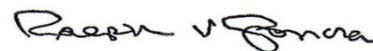
The Commission reiterates that this Policy Statement is intended to *encourage* the investigation and planning that a water public utility should undertake to provide reasonable fire protection service throughout its service territory, with the understanding that this goal may take some time to accomplish. The Commission has consistently explained that “a policy statement is intended to provide guidance regarding the policy the agency intends to implement in future adjudications.”<sup>1</sup>

To clarify that the language of Section 69.xx1(a) is intended to encourage water public utilities to provide reasonable fire protection service throughout the Commonwealth, the Policy Statement should provide that: “The Commission *may* consider a water utility’s effort to meet the recommendations in this Policy Statement when determining just and reasonable rates for the water public utility.” Moreover, while the Commission may consider the costs associated with implementing these guidelines and whether those costs may be recovered, the Commission is best guided by the applicable law related to rate cases.

**THEREFORE, I MOVE:**

1. That the Law Bureau prepare a Final Policy Statement Order and Annex consistent with this motion.
  
2. That the Public Utility Commission adopt the Final Policy Statement as set forth in Annex A to the Order, consistent with this motion.

**December 21, 2023**



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**Ralph V. Yanora, Commissioner**

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<sup>1</sup> See, e.g., *Pa. PUC, et al. v. Philadelphia Gas Works*, Docket No. R-2023-3037933, (Order entered Nov. 9, 2023) (citing *In Re PGW Petition, Order and Proposed Policy Statement*, Docket No. P-2009-2136508, (Final Order entered April 19, 2010)). See also *Eastwood Nursing & Rehab. Ctr. v. Dept. of Public Welfare*, 910 A.2d 134, 143 (Pa. Commw. Ct. 2006); *Dep’t of Env’t Res. v. Rushton Min. Co.*, 591 A.2d 1168 (Pa. Commw. Ct. 1991) (A general statement of policy is an announcement to the public of the policy the agency hopes to implement and is not a binding rule).