

**CHAPTER 56. STANDARDS AND BILLING PRACTICES FOR  
RESIDENTIAL UTILITY SERVICE**

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**Source**

The provisions of this Chapter 56 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655, unless otherwise noted.

**Cross References**

This chapter cited in 52 Pa. Code § 1.21 (relating to appearance); 52 Pa. Code § 3.112 (relating to action on informal complaints); 52 Pa. Code § 53.69 (relating to fixed rate option); 52 Pa. Code § 54.9 (relating to complaint handling process); 52 Pa. Code § 54.37 (relating to approval); 52 Pa. Code § 54.38 (relating to regulatory assessments); 52 Pa. Code § 54.189 (relating to default service customers); 52 Pa. Code § 55.2 (relating to personal contact before utility service discontinued); 52 Pa. Code § 55.115 (relating to coordination with other regulations); 52 Pa. Code § 62.79 (relating to complaint handling process); and 52 Pa. Code § 62.109 (relating to approval).

**Subchapter A. PRELIMINARY PROVISIONS**

- |       |                                  |
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| Sec.  |                                  |
| 56.1. | Statement of purpose and policy. |
| 56.2. | Definitions.                     |

**§ 56.1. Statement of purpose and policy.**

This chapter establishes and enforces uniform, fair and equitable residential utility service standards governing eligibility criteria, credit and deposit practices, and account billing, termination and customer complaint procedures. This chapter assures adequate provision of residential utility service, to restrict unreasonable termination of or refusal to provide that service and to provide functional alternatives to termination or refusal to provide that service. Every privilege con-

ferred or duty required by this chapter imposes an obligation of good faith, honesty and fair dealing in its performance and enforcement. This chapter will be liberally construed to fulfill its purpose and policy and to insure justice for all concerned.

#### Source

The provisions of this § 56.1 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655.

#### Notes of Decisions

##### *Retail Services*

For a discussion of quality of residential electric service and billing in a retail environment, *Re Guidelines for Maintaining Customer Services*, 178 P.U.R. 4th 469 (July 11, 1997).

### § 56.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Account balance*—The amount of current service which has been properly billed in addition to any accrued arrearages.

*Applicant*—A person who applies for residential utility service. The term does not include a person who, within 60 days after termination or discontinuance of service, seeks to transfer service within the service territory of the same utility or to reinstate service at the same address.

*Billing month*—A period of not less than 26 and not more than 35 days except in the following circumstances:

(i) An initial bill for a new ratepayer may be less than 26 days or greater than 35 days. However, if an initial bill exceeds 60 days the ratepayer shall be given the opportunity to amortize the amount over a period equal to the period covered by the initial bill without penalty.

(ii) A final bill due to discontinuance may be less than 26 days or greater than 35 days but may never exceed 42 days. In cases involving termination, a final bill may be less than 26 days.

(iii) In addition, bills for less than 26 days or more than 35 days shall be permitted if they result from a rebilling initiated by the company or customer dispute to correct a billing problem.

*Billing period*—In the case of public utilities supplying gas, electric and steam heating service, the billing period shall conform to the definition of a billing month; in the case of water and wastewater service, a billing period may be monthly, bimonthly or quarterly as provided in the tariff of the utility. Ratepayers shall be permitted to receive bills monthly and shall be notified of their rights thereto.

*Cycle billing*—A system of billing employed by a utility which results in the normal rendition of bills for utility service to a group or portion of ratepayers on different or specified days of one billing period.

*Delinquent account*—Charges for utility service which have not been paid in full by the due date stated on the bill or otherwise agreed upon; provided that an account may not be deemed delinquent if: prior to the due date, a payment or settlement agreement with the utility has been entered into by the ratepayer, a timely filed notice of dispute is pending before the utility, or, under time limits provided in this chapter, an informal or formal complaint is timely filed with and is pending before the Commission.

*Discontinuation of service*—The cessation of service with the consent of the ratepayer and otherwise in accordance with § 56.72 (relating to discontinuation of service).

*Dispute*—A grievance of an applicant, ratepayer or occupant about a utility's application of a provision covered by this chapter, including subjects such as credit determinations, deposit requirements, the accuracy of meter readings or bill amounts or the proper party to be charged. If, at the conclusion of an initial contact or, when applicable, a follow-up response, the applicant, ratepayer or occupant indicates satisfaction with the resulting resolution or explanation, the contact will not be considered a dispute.

*Dwelling*—A house, apartment, mobile home or single meter multiunit structure being supplied with residential service.

*Emergency*—An unforeseen combination of circumstances requiring temporary discontinuance of service in order to effect repairs or maintenance or to eliminate an imminent threat to life, health, safety or property.

*Initial inquiry*—A concern or question of an applicant, ratepayer or occupant about a utility's application of a provision covered by this chapter, including subjects such as credit determinations, deposit requirements, the accuracy of meter readings or bill amounts or the proper party to be charged. If a utility, with the consent of the applicant, ratepayer or occupant, offers to review pertinent records and call back the applicant, ratepayer or occupant within 3 business days with a response, the contact will be considered an initial inquiry pending a determination of satisfaction by the applicant, ratepayer or occupant with the company's response. If the company cannot reach the customer to convey the information obtained through a review of company records, a letter shall be sent which summarizes the information and informs the customer to contact the company within 5 business days if the customer disagrees with the company position, or has additional questions or concerns about the matter.

*Notice or termination notice*—A written statement which, in conspicuous print, clearly and fully includes the following information when applicable:

- (i) The reason for the proposed termination.
- (ii) An itemized statement of accounts currently due, including any required deposit.

(iii) A statement that a specific reconnection fee will be required to have service restored after it has been terminated if a reconnection fee is a part of the tariff of the utility on file with the Commission.

(iv) The date on or after which service will be terminated unless: payment in full is received, the grounds for termination are otherwise eliminated, a settlement or payment agreement is entered or a dispute is filed with the utility or the Commission.

(v) A statement that the ratepayer should immediately contact the utility to attempt to resolve the matter, including the address and telephone number where questions may be filed and payment and settlement agreements entered into with the utility.

(vi) The following statement: "If, AFTER discussing your problem with the Utility you remain dissatisfied, you may file an informal complaint with the Public Utility Commission. TO AVOID TERMINATION OF SERVICE PENDING RESOLUTION OF A DISPUTE THIS INFORMAL COMPLAINT MUST BE FILED BEFORE THE PROPOSED DATE FOR TERMINATION OF YOUR SERVICE. You may file an informal complaint by telephoning the Public Utility Commission at 1 (800) 692-7380 or by writing to the following address Public Utility Commission, Box 3265, Harrisburg, Pennsylvania 17120."

(vii) A serious illness notice substantially in compliance with the form as set forth in Appendix A (relating to medical emergency notice) except that, for the purpose of § 56.96 (relating to post-termination notice), the notice shall substantially comply with the form as set forth in Appendix B (relating to medical emergency notice).

*Occupant*—A person who resides in the premises to which utility service is provided.

*Payment agreement*—A mutually satisfactory written agreement whereby a ratepayer or applicant who admits liability for billed service is permitted to amortize or pay the unpaid balance of the account in one or more payments over a reasonable period of time.

*Person*—An individual, partnership, corporation, association, including any lessee, assignee, trustee, receiver, executor, administrator and other successors in interest.

*Physician*—An individual licensed under the laws of the Commonwealth to engage in the practice of medicine and surgery in all of its branches within the scope of the Medical Practice Act of 1974 (63 P. S. §§ 421.1—421.18) relating to medicine and surgery as amended, or in the practice of osteopathy or osteopathic surgery within the scope of the Osteopathic Medical Practice Act (63 P. S. §§ 271.1—271.18).

*Premises or affected premises*—Unless otherwise indicated, the residence of the occupant.

*Ratepayer*—A person in whose name a residential service account is listed and who is primarily responsible for payment of bills rendered for the service. For the purposes of establishing credit, this term includes a transfer of service from a residence or dwelling within the service area of the utility or a reinstatement of service at the same location within 60 days following termination or discontinuance of service.

*Remote reading device*—A device which by electrical impulse or otherwise transmits readings from a meter, excluding devices that permit direct interrogation of the meter, usually located within a residence, to a more accessible location outside of a residence.

*Residential service*—Utility service supplied to a dwelling, including service provided to a commercial establishment if concurrent service is provided to a residential dwelling attached thereto. Utility service provided to a hotel or motel is not considered residential service.

*Settlement agreements*—A mutually satisfactory settlement of a claim or dispute, reduced to writing and signed by the parties or their representatives. The settlement agreement offered by a utility shall state, immediately preceding the space provided for the name of the ratepayer and in boldface print at least two point sizes larger than any other used thereon: “If you are not satisfied with this agreement, do not sign it. You may file an informal complaint before the Public Utility Commission without making yourself subject to retaliation by the Utility. If you do sign this agreement, you may give up your right to a hearing before the Commission on any matter involved in this dispute except the utility’s failure to follow the terms of this agreement.”

*Termination of service*—Cessation of service, whether temporary or permanent, without the consent of the ratepayer.

*Unauthorized use of utility service*—Unreasonable interference or diversion of service, including meter tampering (any act which affects the proper registration of service through a meter), by-passing (unmetered service that flows through a device connected between a service line and customer-owned facilities), and unauthorized service restoral.

*Utility*—A public utility or a municipality, subject to Commission jurisdiction, which provides electric, gas, steam heat, wastewater or water service.

#### **Authority**

The provisions of this § 56.2 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—505, 1301 and 1501.

#### **Source**

The provisions of this § 56.2 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended September 22, 1978, effective September 23, 1978, 8 Pa.B. 2632; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended February 28, 1986, effective March 1, 1986, 16 Pa. B. 597; amended February 13, 1998, effective February 14, 1998, 28 Pa.B. 801; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379. Immediately preceding text appears at serial pages (244812) to (244813) and (241281) to (241283).

**Notes of Decisions**

The utility did not improperly require customers to talk to the utility before filing a complaint with the Pennsylvania Public Utility Commission, where the regulations require the public utilities to attempt to resolve a dispute with a customer before any informal or formal complaint is filed with the Pennsylvania Public Utility Commission, and where the language used by the utility in its billing statement complied with 52 Pa. Code § 56.2. *Aronson v. Pennsylvania Public Utility Commission*, 740 A.2d 1208 (Pa. Cmwlth. 1999); appeal denied 751 A.2d 193 (Pa. 2000).

**Cross References**

This section cited in 52 Pa. Code § 55.115 (relating to coordination with other regulations); 52 Pa. Code § 56.91 (relating to general notice provisions); 52 Pa. Code § 75.12 (relating to definitions); 52 Pa. Code § 56.140 (relating to follow-up response to inquiry); and 52 Pa. Code § 56.164 (relating to termination pending resolution of the dispute).

**Subchapter B. BILLING AND PAYMENT STANDARDS****BILLING**

- Sec.  
 56.11. Billing frequency.  
 56.12. Meter reading; estimated billing; ratepayer readings.  
 56.13. Separate billings for merchandise, appliances and nonrecurring services.  
 56.14. Previously unbilled utility service.  
 56.15. Billing information.  
 56.16. Transfer of accounts.  
 56.17. Advance payments.

**PAYMENTS**

- 56.21. Payment.  
 56.22. Accrual of late payment charges.  
 56.23. Application of partial payments between utility and other service.  
 56.24. Application of partial payments among several bills for utility service.

**BILLING****§ 56.11. Billing frequency.**

A utility shall render a bill once every billing period to every residential ratepayer in accordance with approved rate schedules.

**Source**

The provisions of this § 56.11 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655.

**Cross References**

This section cited in 52 Pa. Code § 54.153 (relating to reporting requirements); and 52 Pa. Code § 62.33 (relating to reporting requirements).

**§ 56.12. Meter reading; estimated billing; ratepayer readings.**

Except as provided in this section, a utility shall render bills based on actual meter readings by utility company personnel.

(1) *Inapplicability to seasonally billed ratepayers.* This section does not apply to ratepayers billed on a seasonal basis under terms included in the tariff of the utility.

(2) *Estimates for bills rendered on a monthly basis.* If a utility bills on a monthly basis, it may estimate usage of service every other billing month, so long as the utility provides a ratepayer with the opportunity to read the meter and report the quantity of usage in lieu of the estimated bill. The resulting bills shall be based on the information provided, except for an account where it is apparent that the information is erroneous.

(i) Upon the request of the ratepayer, the utility shall, at least annually, provide preaddressed postcards on which the ratepayer may note the reading. The utility shall provide additional preaddressed postcards on request.

(ii) The utility may establish due dates by which the postcards shall be received for a bill to be based upon the meter reading of the ratepayer or occupant. If the reading of a ratepayer is not received by that due date, the utility may estimate the quantity of usage.

(3) *Estimates permitted under exigent circumstances.* A utility may estimate the bill of a ratepayer if extreme weather conditions, emergencies, equipment failure, work stoppages or other circumstances prevent actual meter reading.

(4) *Estimates when utility personnel are unable to gain access.* A utility may estimate the bill of a ratepayer if utility personnel are unable to gain access to obtain an actual meter reading, as long as the following apply:

(i) The utility has undertaken reasonable alternative measures to obtain a meter reading, including, but not limited to, the provision of preaddressed postcards upon which the ratepayer may note the reading or the telephone reporting of the reading.

(ii) The utility, at least every 6 months, or every four billing periods for utilities permitted to bill for periods in excess of 1 month, obtains an actual meter reading or ratepayer supplied reading to verify the accuracy of the estimated readings.

(iii) The utility, at least once every 12 months, obtains an actual meter reading to verify the accuracy of the readings, either estimated or ratepayer read.

(5) *Remote reading devices for water, gas and electric utilities.* A utility may render a bill on the basis of readings from a remote reading device under the following conditions:

(i) When a gas, electric or water utility uses readings from a remote reading device to render bills, the utility shall obtain an actual meter reading at least once every 5 years to verify the accuracy of the remote reading device. If the ratepayer of record at the dwelling changes during the 5-year period between actual meter readings, the utility shall make a bona fide

attempt to schedule an appointment with the departing ratepayer and, if necessary, the new occupant, to secure an actual meter reading.

(ii) When the actual meter reading establishes that the customer was underbilled due to an error in the registration of the remote reading device, the utility may render a bill for the uncollected amount. If the rebilling exceeds the otherwise normal estimated bill by at least 50% and at least \$50, the utility shall comply with § 56.14 (relating to previously unbilled utility service).

(iii) When the actual meter reading establishes that the customer was overbilled due to an error in the readings of the remote reading device, the utility shall credit or refund to the customer the amount overbilled plus interest calculated under § 56.181(3) (relating to duties of parties; disputing party's duty to pay undisputed portion of bills; utility's duty to pay interest whenever overpayment found).

(iv) Nothing in this section may be construed to limit the authority of electric, gas or water utilities to gain access to a residence for the purpose of checking or reading a meter.

(6) *Limitation of liability.* If a water company has estimated bills and if the ratepayer or occupant during that period has consumed an amount of water in excess of normal seasonal usage because of a verified leak that could not reasonably have been detected or other unknown loss of water, the ratepayer is not liable for more than 150% of the average amount of water consumed for the corresponding period during the previous year. This section does not apply when the water utility was unable to gain access and has complied with paragraph (4).

(7) *Equal monthly billing.* A gas, electric and steam heating utility shall provide its residential ratepayers with an optional billing procedure which averages estimated utility service costs over a 10-month, 11-month or 12-month period to eliminate, to the extent possible, seasonal fluctuations in utility bills. The utility shall review accounts at least three times during the optional billing period.

(8) *Notice.* The utility shall inform existing ratepayers of their rights under this section and under 66 Pa.C.S. § 1509 (relating to billing procedures).

#### Authority

The provisions of this § 56.12 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301 and 1501.

#### Source

The provisions of this § 56.12 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended February 28, 1986, effective March 1, 1986, 16 Pa.B. 597; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379. Immediately preceding text appears at serial pages (241284) and (205725) to (205726).

**Notes of Decisions***Service*

Failure by a condominium to pay sales taxes for electricity and steam is not one of the enumerated reasons to permit a utility company to terminate service. *Philadelphia Electric Company v. Department of Revenue*, 538 A.2d 607 (Pa. Cmwlth. 1988).

*Sales Tax*

By requiring public utilities to prepay sales taxes for its nonresidential customers and then write off as a bad debt any such taxes it cannot collect from the customer, the Legislature did not violate equal protection. *Philadelphia Electric Company v. Department of Revenue*, 538 A.2d 607 (Pa. Cmwlth. 1988).

**Cross References**

This section cited in 52 Pa. Code § 54.153 (relating to reporting requirements); and 52 Pa. Code § 62.33 (relating to reporting requirements).

**§ 56.13. Separate billings for merchandise, appliances and nonrecurring services.**

Charges for other than basic service—that is, merchandise, appliances and special services, including merchandise and appliance installation, sales, rental and repair costs; meter testing fees; line extension costs; special construction charges, and other nonrecurring charges, except as provided in this chapter—shall appear on a separate bill.

**Source**

The provisions of this § 56.13 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; corrected September 21, 1990, effective October 15, 1988, 20 Pa.B. 4864. Immediately preceding text appears at serial page (144885).

**§ 56.14. Previously unbilled utility service.**

When a utility renders a make-up bill for previously unbilled utility service resulting from utility billing error, meter failure, leakage that could not reasonably have been detected or loss of service, or four or more consecutive estimated bills and the make-up bill exceeds the otherwise normal estimated bill by at least 50% and at least \$50:

- (1) The utility shall review the bill with the ratepayer and make a reasonable attempt to enter into a payment agreement.
- (2) The period of the payment agreement may, at the option of the ratepayer, extend at least as long as:
  - (i) The period during which the excess amount accrued.
  - (ii) Necessary so that the quantity of service billed in any one billing period is not greater than the normal estimated quantity for that period plus 50%.

**Authority**

The provisions of this § 56.14 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504.

**Source**

The provisions of this § 56.14 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379. Immediately preceding text appears at serial pages (205726) to (205727).

**Cross References**

This section cited in 52 Pa. Code § 56.12 (relating to meter reading; estimated billing; ratepayer readings); 52 Pa. Code § 56.41 (relating to general rule); and 52 Pa. Code § 56.83 (relating to unauthorized termination of service).

**§ 56.15. Billing information.**

A bill rendered by a utility for metered residential utility service shall state clearly the following information:

- (1) The beginning and ending dates of the billing period.
- (2) If applicable, the beginning and ending meter readings for the billing period. If a bill is estimated, it shall contain a clear and conspicuous marking of the word "Estimated."
- (3) The due date on or before which payment shall be made or the account will be delinquent.
- (4) The amount due for service rendered during the current billing period, specifying the charge for basic service, the energy or fuel adjustment charge, State tax adjustment surcharge if other than zero, State sales tax if applicable and other similar charges. The bills should also indicate that a State gross receipts tax is being charged and a reasonable estimate of the charge. A Class A utility shall include a statement of the dollar amount of total State taxes included in the current billing period charge. For the purpose of this paragraph, a Class A utility shall also include a Class A telephone utility as defined under § 63.31 (relating to classification of public utilities).
- (5) Amounts due for reconnection charges.
- (6) Amounts due for security deposits.
- (7) The total amount of payments and other credits made to the account during the current billing period.
- (8) The amount of late payment charges, designated as such, which have accrued to the account of the ratepayer for failure to pay bills by the due date of the bill and which are authorized under § 56.22 (relating to accrual of late payment charges).
- (9) The total amount due.
- (10) A clear and conspicuous marking of estimates.

(11) A statement directing the ratepayer to “register any question or complaint about the bill prior to the due date,” with the address and telephone number where the ratepayer may initiate the inquiry or complaint with the utility.

(12) A statement that a rate schedule, an explanation of how to verify the accuracy of a bill and an explanation of the various charges, if applicable, is available for inspection in the local business office of the utility.

(13) A designation of the applicable rate schedule as denoted in the officially filed tariff of the utility.

#### Authority

The provisions of this § 56.15 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1302, 1504 and 1509.

#### Source

The provisions of this § 56.15 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended January 8, 1988, effective January 9, 1988, 18 Pa.B. 185. Immediately preceding text appears at serial pages (82128) to (82129).

#### Cross References

This section cited in 52 Pa. Code § 54.2 (relating to definitions); 52 Pa. Code § 54.4 (relating to bill format for residential and small business customers); 52 Pa. Code § 62.72 (relating to definitions); 52 Pa. Code § 62.74 (relating to bill format for residential and small business customers); and 52 Pa. Code § 69.251 (relating to plain language—statement of policy).

### § 56.16. Transfer of accounts.

(a) A ratepayer who is about to vacate premises supplied with utility service or who wishes to have service discontinued shall give at least 7 days notice to the utility and a nonratepayer occupant, specifying the date on which it is desired that service be discontinued. In the absence of a notice, the ratepayer shall be responsible for services rendered.

(b) In the event of discontinuance or termination of service at a residence or dwelling in accordance with this chapter, a utility may transfer an unpaid balance to a new residential service account of the same ratepayer.

(c) If a termination notice has been issued in accordance with § 56.91 (relating to general notice provisions) and subsequent to the mailing or delivery of a notice, a ratepayer requests a transfer of service to a new location, the termination process as set forth in §§ 56.91—56.99 may continue at the new location.

(1) In the event that notifications set forth under § 56.91 and § 56.95 (relating to deferred termination when no prior contact) have been rendered and service has not been terminated due to a denial of access to the premises, the utility may deny service at a new location when a service transfer is requested.

(2) Nothing in this section shall be construed to limit the right of a ratepayer to dispute a bill within the meaning of §§ 56.141—56.143.

(d) In the event of a termination of service to a residential ratepayer, a utility may transfer to the account of a third-party guarantor any portion of the unpaid balance which is equivalent to the cash deposit requirement of the ratepayer.

**Authority**

The provisions of this § 56.16 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504.

**Source**

The provisions of this § 56.16 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250. Immediately preceding text appears at serial page (37332).

**§ 56.17. Advance payments.**

Payments may be required in advance of furnishing any of the following services:

- (1) Seasonal service.
- (2) The construction of facilities and furnishing of special equipment.
- (3) Gas and electric rendered through prepayment meters provided:
  - (i) The ratepayer is nonlow income; for purposes of this section, non-low income is defined as an individual who has an annual household gross income greater than 150% of the Federal poverty income guidelines, and has a delinquency for which the individual is requesting a payment agreement but offering terms that the utility, after consideration of the factors at § 56.97(b) (relating to procedures upon ratepayer or occupant contact prior to termination), finds unacceptable.
  - (ii) The service is being rendered to an individually-metered residential dwelling, and the ratepayer and occupants are the only individuals affected by the installation of a prepayment meter.
  - (iii) The ratepayer and utility enter into a settlement agreement which includes, but is not limited to, the following terms:
    - (A) The ratepayer voluntarily agrees to the installation of a prepayment meter.
    - (B) The ratepayer agrees to purchase prepayment cards to maintain service until the total balance is retired and the utility agrees to make new cards available to the ratepayer within 5 days of receipt of prepayment.
    - (C) The utility agrees to furnish the ratepayer an emergency backup card for additional usage of at least 5 days.
    - (D) The ratepayer agrees that failure to renew the card by making prepayment for additional service constitutes a request for discontinuance under § 56.72(1) (relating to discontinuation of service), except during a medical emergency, and that discontinuance will occur when the additional usage on the emergency backup card runs out.
  - (iv) During the first 2 years of use of prepayment meters, the utility thoroughly and objectively evaluates the use of prepayment meters in accordance with the following:
    - (A) *Content.* The evaluation should include both process and impact components. Process evaluation should focus on whether the use of pre-

payment meters conforms to the program design and should assess the degree to which the program operates efficiently. The impact evaluation should focus on the degree to which the program achieves the continuation of utility service to participants at reasonable cost levels. The evaluation should include an analysis of the costs and benefits of traditional collections or alternative collections versus the costs and benefits of handling nonlow income positive ability to pay customers through prepayment metering. This analysis should include comparisons of customer payment behavior, energy consumption, administrative costs and actual collection costs.

(B) *Time frame.* The process evaluation should be undertaken during the middle of the first year; the impact evaluation at least by the end of the second year.

(v) The utility develops a written plan for a prepayment meter program, consistent with the criteria established in this section, and submits the plan to the Commission at least 30 days in advance of the effective date of the program.

(4) Temporary service for short-term use, including installation and removal, with credit for reasonable salvage.

#### Authority

The provisions of this § 56.17 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1304, 1501, 1504 and 2911.

#### Source

The provisions of this § 56.17 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended January 13, 1995, effective April 14, 1995, 25 Pa.B. 145. Immediately preceding text appears at serial page (169480).

## PAYMENTS

### § 56.21. Payment.

The due date for payment of a bill may be no less than 20 days from the date of transmittal; that is, the date of mailing or physical delivery by the utility to the ratepayer.

(1) *Extension of due date to next business day.* If the last day for payment falls on a Saturday, Sunday, bank holiday or other day when the offices of the utility which regularly receive payments are not open to the general public, the due date shall be extended to the next business day.

(2) *Date of payment by mail.* For a remittance by mail, one or more of the following applies:

(i) Payment shall be deemed to have been made on the date of the postmark.

(ii) The utility may not impose a late payment charge unless payment is received more than 5 days after the due date.

(3) *Branch offices or authorized payment agents.* The effective date of payment to a branch office or authorized payment agent, unless payment is made by mail under paragraph (2), is the date of actual receipt of payment at that location.

(4) *Multiple notifications.* When a utility advises a ratepayer by multiple notices or contacts, which contain different due dates, the date on or before which payment is due shall be the last date contained in any of the notices.

#### Authority

The provisions of this § 56.21 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504.

#### Source

The provisions of this § 56.21 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; corrected March 27, 1992, effective June 30, 1990, 22 Pa.B. 1426. Immediately preceding text appears at serial pages (144888) to (144889).

#### Notes of Decisions

##### *Equal Protection*

By requiring public utilities to prepay sales taxes for its nonresidential customers and then write off as a bad debt any such taxes it cannot collect from the customer, the Legislature did not violate equal protection. *Philadelphia Electric Company v. Department of Revenue*, 538 A.2d 607 (Pa. Cmwlth. 1988).

#### Cross References

This section cited in 52 Pa. Code § 56.22 (relating to accrual of late payment charges).

### § 56.22. Accrual of late payment charges.

(a) Every utility subject to this chapter is prohibited from levying or assessing a late charge or penalty on any overdue utility bill, as defined in § 56.21 (relating to payment), in an amount which exceeds 1.5% interest per month on the full unpaid and overdue balance of the bill. These charges are to be calculated on the overdue portions of the bill only. The interest rate, when annualized, may not exceed 18% simple interest per annum.

(b) An additional charge or fixed fee designed to recover the cost of a subsequent rebilling may not be charged by a regulated utility.

(c) Late payment charges may not be imposed on disputed estimated bills, unless the estimated bill was required because utility personnel were willfully denied access to the affected premises to obtain an actual meter reading.

#### Authority

The provisions of this § 56.22 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504.

**Source**

The provisions of this § 56.22 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250. Immediately preceding text appears at serial pages (37333) to (37334).

**Notes of Decisions***Conflict with Statute*

Since 42 Pa.C.S. § 8101 (relating to interest on judgments) limits postjudgment interest to 6% per year unless otherwise provided by another statute, it supersedes the regulation that provides for 18% interest per year on amounts owed to a public utility. *Equitable Gas Co. v. Wade*, 812 A.2d 715 (Pa. Super. 2002).

*Late Payment Charges*

In its monthly billing statements, the utility clearly instructed its customers to pay either the account balance or the optional payment amount by a certain date to avoid a specified late payment charge calculated at a certain monthly percentage rate, and thus the billing statements contained all of the information required by the regulations and the tariff approved by the Pennsylvania Public Utility Commission; moreover, the Pennsylvania Public Utility Commission had approved the specific language used in the monthly billing statements under the detailed “plain language” guidelines set forth in 52 Pa. Code § 69.251. *Aronson v. Pennsylvania Public Utility Commission*, 740 A.2d 1208 (Pa. Cmwlth. 1999); appeal denied 751 A.2d 193 (Pa. 2000).

**Cross References**

This section cited in 52 Pa. Code § 56.15 (relating to billing information); and 52 Pa. Code § 56.181 (relating to duties of parties; disputing party’s duty to pay undisputed portion of bills; utility’s duty to pay interest whenever overpayment found).

**§ 56.23. Application of partial payments between utility and other service.**

Payments received by a utility without written instructions that they be applied to merchandise, appliances, special services, meter testing fees or other nonbasic charges and which are insufficient to pay the balance due for the items plus amounts billed for utility service shall first be applied to the residential utility service.

**Authority**

The provisions of this § 56.23 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504.

**Source**

The provisions of this § 56.23 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250. Immediately preceding text appears at serial page (37334).

**§ 56.24. Application of partial payments among several bills for utility service.**

In the absence of written instructions, a disputed bill or an amortization agreement, payments received by a utility which are insufficient to pay a balance due both for prior service and for service billed during the current billing period shall first be applied to the balance due for prior service.

**Source**

The provisions of this § 56.24 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655.

**Subchapter C. CREDIT AND DEPOSITS STANDARDS POLICY****PROCEDURES FOR NEW APPLICANTS**

- Sec.  
56.31. Policy statement.  
56.32. Credit standards.  
56.33. Cash deposits; third-party guarantors.  
56.34. Deposits for temporary service.  
56.35. Payment of outstanding balance.  
56.36. Written procedures.  
56.37. General rule.  
56.38. Payment period for deposits by applicants.

**PROCEDURES FOR EXISTING RATEPAYERS**

- 56.41. General rule.  
56.42. Payment period for deposits.  
56.43. Deposit method; cash deposit or composite group.

**CASH DEPOSITS**

- 56.51. Amount of cash deposit.  
56.52. [Reserved].  
56.53. Refund of deposit.  
56.54. Application of deposit to bills.  
56.55. Periodic review.  
56.56. Refund statement.  
56.57. Interest rate.  
56.58. Application of interest.  
56.61—56.65. [Reserved].

**PROCEDURES FOR NEW APPLICANTS****§ 56.31. Policy statement.**

An essential ingredient of the credit and deposit policies of each utility shall be the equitable and nondiscriminatory application of those precepts to potential and actual ratepayers throughout the service area without regard to the economic character of the area or any part thereof. Deposit policies shall be based upon the credit risk of the individual applicant or ratepayer rather than the credit history of the affected premises or the collective credit reputation or experience in the area in which he lives and without regard to race, sex, age over 18, national origin or marital status.

**Source**

The provisions of this § 56.31 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655.

**§ 56.32. Credit standards.**

A utility shall provide residential service without requiring a deposit when the applicant satisfies one of the following requirements:

(1) *Prior utility payment history.* The applicant has been a recipient of utility service of a similar type within a period of 24 consecutive months preceding the date of the application and was primarily responsible for payment for such service, so long as:

(i) The average periodic bill for the service was equal to at least 50% of that estimated for new service.

(ii) The service of the applicant was not terminated for nonpayment during the last 12 consecutive months of that prior service.

(iii) The applicant does not have an unpaid balance from that prior service.

(2) *Ownership of real property.* The applicant owns or has entered into an agreement to purchase real property located in the area served by the utility or is renting his place of residence under a lease of one year or longer in duration, unless the applicant has an otherwise unsatisfactory credit history as an utility customer within 2 years prior to the application for service.

(3) *Credit information.* The applicant provides information demonstrating that he is not an unsatisfactory credit risk.

(i) The absence of prior credit history does not, of itself, indicate an unsatisfactory risk.

(ii) The utility may request and consider information including but not limited to: the name of the employer of the applicant, place and length of employment, residences during the previous 5 years, letters of reference, credit cards and any significant source of income other than from employment.

**Authority**

The provisions of this § 56.32 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504.

**Source**

The provisions of this § 56.32 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250. Immediately preceding text appears at serial pages (37336) to (37337).

**Notes of Decisions***Security Deposit*

A utility may not require a security deposit from a consumer based solely upon its determination that she has no prior credit history. No sanction will be imposed against the utility when the consumer

is not entirely without fault in the utility's determination that a security deposit is necessary. *West Penn Power Co. v. Pennsylvania Public Utility Commission*, 521 A.2d 75 (Pa. Cmwlth. 1987).

#### Cross References

This section cited in 52 Pa. Code § 56.33 (relating to cash deposits; third-party guarantors); 52 Pa. Code § 56.53 (relating to refund of deposit); and 52 Pa. Code § 64.32 (relating to credit standards).

### § 56.33. Cash deposits; third-party guarantors.

If an applicant does not establish his credit under § 56.32 (relating to credit standards), the utility shall provide residential service when one of the following requirements is satisfied:

- (1) *Cash deposit.* The applicant posts a cash deposit.
- (2) *Third-party guarantor.* The applicant furnishes a written guarantee from a responsible ratepayer which, for the purposes of this section, shall mean a ratepayer who has or can establish credit, under § 56.32, to secure payment in an amount equal to that required for cash deposits.
  - (i) A guarantee shall be in writing and shall state the terms of the guarantee.
  - (ii) The guarantor shall be discharged when the applicant has met the terms and conditions which apply under §§ 56.52—56.57.

#### Authority

The provisions of this § 56.33 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504—506, 1301 and 1501.

#### Source

The provisions of this § 56.33 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379. Immediately preceding text appears at serial pages (241285) to (241286).

#### Cross References

This section cited in 52 Pa. Code § 56.53 (relating to refund of deposit).

### § 56.34. Deposits for temporary service.

Deposits for applicants for temporary service may be required in accordance with § 53.82(1) (relating to deposits).

#### Source

The provisions of this § 56.34 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655.

**§ 56.35. Payment of outstanding balance.**

A utility may require, as a condition of the furnishing of residential service to an applicant, the payment of any outstanding residential account with the utility which accrued within the past 4 years for which the applicant is legally responsible and for which the applicant was billed properly. However, any such outstanding residential account with the utility may be amortized over a reasonable period of time. Factors to be taken into account include but are not limited to the size of the unpaid balance, the ability of the applicant to pay, the payment history of the applicant, and the length of time over which the bill accumulated. A utility may not require, as a condition of the furnishing of residential service, payment for residential service previously furnished under an account in the name of a person other than the applicant unless a court, district justice or administrative agency has determined that the applicant is legally obligated to pay for the service previously furnished. Examples of situations include a separated spouse or a cotenant. This section does not affect the creditor rights and remedies of a utility otherwise permitted by law.

**Authority**

The provisions of this § 56.35 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504 and 1501—1504.

**Source**

The provisions of this § 56.35 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended September 10, 1982, effective September 11, 1982, 12 Pa.B. 3093; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250. Immediately preceding text appears at serial pages (37337) and (73189).

**Cross References**

This section cited in 52 Pa. Code § 56.142 (relating to time for filing a termination dispute or informal complaints).

**§ 56.36. Written procedures.**

A utility shall establish written procedures for determining the credit status of an applicant. A utility employe processing applications or determining the credit status of applicants shall be supplied with or have ready access to a copy of the written procedures of the utility. A copy of these procedures shall be maintained on file in each of the business offices of the utility and made available, upon request, for inspection by members of the public and the Commission.

- (1) *Reasons for denial of credit.* If credit is denied, the utility shall inform the ratepayer or applicant in writing of the reasons for the denial.
- (2) *Informing applicants of procedures.* Utility personnel shall fully explain the credit and deposit procedures of the utility to each ratepayer or applicant for service.

**Source**

The provisions of this § 56.36 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655.

**§ 56.37. General rule.**

If the investigation and determination of credit status is expected to take or in fact takes longer than 3 business days commencing the date after the application is made, the utility shall provide service pending completion of the investigation.

**Source**

The provisions of this § 56.37 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655.

**§ 56.38. Payment period for deposits by applicants.**

An applicant may elect to pay any required deposits in three installments: 50% payable upon the determination by the utility that the deposit is required, 25% payable 30 days after the determination, and 25% payable 60 days after the determination.

**Authority**

The provisions of this § 56.38 issued under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504.

**Source**

The provisions of this § 56.38 adopted April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250.

**PROCEDURES FOR EXISTING RATEPAYERS****§ 56.41. General rule.**

A utility may require an existing ratepayer to post a deposit to reestablish credit under the following circumstances:

(1) *Delinquent accounts.* Whenever a ratepayer has been delinquent in the payment of any two consecutive bills or three or more bills within the preceding 12 months.

(i) Prior to requesting a deposit under this section, the utility shall give the ratepayer written notification of its intent to request a cash deposit if current and future bills continue to be paid after the due date.

(A) Notification shall clearly indicate that a deposit is not required at this time but that if bills continue to be paid after the due date a deposit will be required.

(B) Notification may be mailed or delivered to the ratepayer together with a bill for utility service.

(C) Notification shall set forth the address and phone number of the utility office where complaints or questions may be registered.

(D) A subsequent request for deposit shall clearly indicate that a ratepayer should register any question or complaint about that matter prior to the date the deposit is due in order to avoid having service terminated pending resolution of a dispute. The request shall also include the address and telephone number of the utility office where questions or complaints may be registered.

(ii) Except in the case of adjustments to equal monthly billing plans, a utility may issue a notification or subsequent request for a deposit based, in whole or in part, on a delinquent account arising out of a make-up bill as defined in § 56.14 (relating to previously unbilled utility services), under the following conditions:

(A) The utility has complied with the requirements of § 56.14. Compliance with a payment agreement or settlement agreement by the ratepayer discharges the delinquency, and a notification or request for deposit shall not thereafter be issued based on the make-up bill.

(B) If a make-up bill exceeds the otherwise normal estimated bill by at least 50% and if the ratepayer makes payment in full after the bill is delinquent but before a notification of intent to request a deposit is given to the ratepayer, such a notification or request for deposit shall not thereafter be issued based on the make-up bill.

(2) *Condition to the reconnection of service.* A utility may require a deposit as a condition to reconnection of service following a termination.

(3) *Failure to comply with settlement or payment agreement.* A utility may require a deposit, whether or not service has been terminated, when a ratepayer fails to comply with a material term or condition of a settlement or payment agreement.

#### Authority

The provisions of this § 56.41 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504.

#### Source

The provisions of this § 56.41 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250. Immediately preceding text appears at serial pages (73190) to (73191) and (37340).

#### Cross References

This section cited in 52 Pa. Code § 56.42 (relating to payment period for deposits); and 52 Pa. Code § 56.83 (relating to unauthorized termination of service).

### § 56.42. Payment period for deposits.

The due date for payment of a deposit other than a deposit required as a condition for the reconnection of service under § 56.41(b) (relating to general rule) may not be less than 21 days from the date of mailing or service on the ratepayer

of notification of the amount due. A ratepayer may elect to pay a required deposit in three installments: 50% payable upon the determination by the utility that the deposit is required, 25% payable 30 days after the determination and 25% payable 60 days after the determination.

**Authority**

The provisions of this § 56.42 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1304, 1501 and 1504.

**Source**

The provisions of this § 56.42 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; corrected September 16, 1988, effective June 30, 1979, 18 Pa.B. 4245. Immediately preceding text appears at serial page (37340).

**§ 56.43. Deposit method; cash deposit or composite group.**

Whenever a ratepayer is required to make a deposit, the requirement may be satisfied either by posting a cash deposit or becoming a member in good standing of a composite group.

**Source**

The provisions of this § 56.43 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655.

**CASH DEPOSITS**

**§ 56.51. Amount of cash deposit.**

(a) *Applicants.* A utility may not require a cash deposit from an applicant in excess of the average estimated bill of the applicant for a period equal to one billing period plus 1 additional month's service, not to exceed 4 months in the case of water and sewage utilities and 2 months in the case of gas, electric and steam heat utilities, with a minimum deposit of \$5.

(b) *Existing ratepayers.* For an existing ratepayer, the cash deposit may not exceed the estimated charges for service based on the prior consumption of that ratepayer for the class of service involved for a period equal to one average billing period plus 1 average month, not to exceed 4 months in the case of water and sewage utilities and 2 months in the case of gas, electric and steam heat utilities, with a minimum of \$5.

(c) *Adjustment of deposits.* The amount of a cash deposit may be adjusted at the request of the ratepayer or the utility whenever the character or degree of the usage of the ratepayer has materially changed or when it is clearly established that the character or degree of service will materially change in the immediate future.

**Source**

The provisions of this § 56.51 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655.

**§ 56.52. [Reserved].****Source**

The provisions of this § 56.52 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; reserved April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250. Immediately preceding text appears at serial page (37341).

**Cross References**

This section cited in 52 Pa. Code § 56.33 (relating to cash deposits; third-party guarantors).

**§ 56.53. Refund of deposit.**

A cash deposit shall be refunded under the following conditions:

(1) *Termination or discontinuance of service.* Upon termination or discontinuance of service, the utility shall promptly apply the deposit of the ratepayer, including accrued interest, to any outstanding balance for utility service and refund or apply to the ratepayer's account, the remainder to the ratepayer. A transfer of service from one location to another within a service area may not be deemed discontinuance within the meaning of this chapter.

(2) *Credit established.* When a ratepayer establishes credit under § 56.32 (relating to credit standards), the utility shall refund or apply to the ratepayer's account, any cash deposit plus accrued interest.

(3) *Third-party guarantor.* When a ratepayer substitutes a third-party guarantor in accordance with § 56.33(3) (relating to composite group; cash deposits; third-party guarantor), the utility shall refund any cash deposit, plus accrued interest, up to the limits of the guarantee.

(4) *Prompt payment of bills.* After a ratepayer has paid bills for service for 12-consecutive months without having service terminated and without having paid his bill subsequent to the due date or other permissible period as stated in this chapter on more than two occasions, the utility shall refund any cash deposit, plus accrued interest, so long as the customer currently is not delinquent.

(5) *Optional refund.* At the option of the utility, a cash deposit, including accrued interest, may be refunded in whole or in part, at any time earlier than the time stated in this section.

**Authority**

The provisions of this § 56.53 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301, 1305, 1501 and 1504.

**Source**

The provisions of this § 56.53 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379. Immediately preceding text appears at serial pages (205740) to (205741).

**Cross References**

This section cited in 52 Pa. Code § 56.33 (relating to cash deposits; third-party guarantors); and 52 Pa. Code § 56.55 (relating to periodic review).

**§ 56.54. Application of deposit to bills.**

The ratepayer may elect to have a deposit applied to reduce bills for utility service or to receive a cash refund.

**Authority**

The provisions of this § 56.54 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504.

**Source**

The provisions of this § 56.54 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250. Immediately preceding text appears at serial pages (37342) to (37343).

**Cross References**

This section cited in 52 Pa. Code § 56.33 (relating to cash deposits; third-party guarantors); and 52 Pa. Code § 56.55 (relating to periodic review).

**§ 56.55. Periodic review.**

If a ratepayer is not entitled to refund under § 56.53 (relating to refund of deposit), the utility shall review the account of the ratepayer each succeeding billing period and shall make appropriate disposition of the deposit in accordance with § 56.53 and § 56.54 (relating to application of deposit to bills).

**Authority**

The provisions of this § 56.55 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504.

**Source**

The provisions of this § 56.55 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250. Immediately preceding text appears at serial pages (37343).

**Cross References**

This section cited in 52 Pa. Code § 56.33 (relating to cash deposits; third-party guarantors).

**§ 56.56. Refund statement.**

If a cash deposit is applied or refunded, the utility shall mail or deliver to the ratepayer a written statement showing the amount of the original deposit plus accrued interest, the application of the deposit to a bill which had previously accrued, the amount of unpaid bills liquidated by the deposit and the remaining balance.

**Authority**

The provisions of this § 56.56 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504.

**Source**

The provisions of this § 56.56 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250. Immediately preceding text appears at serial page (37343).

**Cross References**

This section cited in 52 Pa. Code § 56.33 (relating to cash deposits; third-party guarantors).

**§ 56.57. Interest rate.**

Interest at the rate of the average of 1-year Treasury Bills for September, October and November of the previous year is payable on deposits without deductions for taxes thereon unless otherwise required by law.

**Authority**

The provisions of this § 56.57 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501, 1504 and 2911.

**Source**

The provisions of this § 56.57 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended January 13, 1995, effective April 14, 1995, 25 Pa.B. 145. Immediately preceding text appears at serial page (144901).

**Cross References**

This section cited in 52 Pa. Code § 56.33 (relating to cash deposits; third-party guarantors).

**§ 56.58. Application of interest.**

Interest shall be paid annually to the ratepayer, or, at the option of either the utility or the ratepayer, shall be applied to service bills.

**Source**

The provisions of this § 56.58 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655.

**§§ 56.61—56.65. [Reserved].****Source**

The provisions of these §§ 56.61—56.65 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; reserved July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379. Immediately preceding text appears at serial pages (205743) to (205744) and (241289).

**Subchapter D. INTERRUPTION AND DISCONTINUANCE  
OF SERVICE**

- Sec.  
56.71. Interruption of service.  
56.72. Discontinuation of service.

**§ 56.71. Interruption of service.**

A utility may temporarily interrupt service where necessary to effect repairs or maintenance; to eliminate an imminent threat to life, health, safety or substantial property damage; or for reasons of local, State or national emergency.

(1) *Interruption with prior notice.* Where the utility knows in advance of the circumstances requiring the service interruption, prior notice of the cause and expected duration of the interruption shall be given to ratepayers and occupants who may be affected.

(2) *Interruption without prior notice.* Where service is interrupted due to unforeseen circumstances, notice of the cause and expected duration of the interruption shall be given as soon as possible to ratepayers and occupants who may be affected.

(3) *Notification procedures.* Where ratepayers and occupants are to be notified under this section, the utility shall take reasonable steps, such as personal contact, phone contact and use of the mass media, to notify affected ratepayers and occupants of the cause and expected duration of the interruption.

(4) *Permissible duration.* Service may be interrupted for only the periods of time as are necessary to protect the health and safety of the public, to protect property or to remedy the situation which necessitated the interruption; and service shall be resumed as soon as possible thereafter.

**Authority**

The provisions of this § 56.71 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504.

**Source**

The provisions of this § 56.71 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250. Immediately preceding text appears at serial pages (52630) to (52631).

**Cross References**

This section cited in 52 Pa. Code § 56.93 (relating to personal contact); 52 Pa. Code § 65.5 (relating to interruptions of service); and 52 Pa. Code § 69.1601 (relating to general).

**§ 56.72. Discontinuation of service.**

A utility may discontinue service without prior written notice under the following circumstances:

(1) *Ratepayer's residence.* When a ratepayer requests a discontinuance at his residence, when the ratepayer and members of his household are the only occupants.

(2) *Other premises or dwellings.* Other premises or dwellings shall be as follows:

(i) When a ratepayer requests discontinuance at a dwelling other than his residence or at a single meter multifamily residence, whether or not his residence but, in either case, only under either of the following conditions:

(A) The ratepayer states in writing that the premises are unoccupied. The statement shall be on a form conspicuously bearing notice that information provided by the ratepayer will be relied upon by the Commission in administering a system of uniform service standards for public utilities and that any false statements are punishable criminally. When the ratepayer fails to provide a notice, or when the ratepayer has falsely stated the premises are unoccupied, the ratepayer shall be responsible for payment of utility bills until the utility terminates service.

(B) The occupants affected by the proposed cessation inform the utility orally or in writing of their consent to the discontinuation.

(ii) Where the conditions set forth in subparagraph (i) have not been met, the utility, at least 10 days prior to the proposed termination, shall conspicuously post notice of termination at the affected premises.

(A) When the premises is a multi-family residence, notice shall also be posted in common areas.

(B) Notices shall, at a minimum, state: the date on or after which termination will occur; the name and address of the utility; and the requirements necessary for the occupant to obtain utility service in the occupant's name. Further termination provisions of this chapter except § 56.97 (relating to procedures upon ratepayer or occupant contact prior to termination) do not apply in these circumstances.

(C) This section does not apply when the ratepayer is a landlord. See §§ 56.121—56.126 (Reserved).

#### **Authority**

The provisions of this § 56.72 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504.

#### **Source**

The provisions of this § 56.72 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250. Immediately preceding text appears at serial pages (52631) and (40805).

#### **Notes of Decisions**

##### *Notice of Discontinuation*

In an action in which landlords alleged that the utility's disconnection of service without notification to them as owners of the property was negligent, unreasonable, and a violation of the Public

Utility Commission's regulations, the court held that this regulation, which permits a public utility to discontinue service without prior written notice when the ratepayer (in this case, the tenants) request discontinuance of service, was reasonable and not an arbitrary execution of the agency's functions; this court would not rectify a landlord's failure to protect himself contractually by creating a statutory duty out of whole cloth for public utilities to provide notice to nonratepaying landlords. *Rohrbaugh v. Pennsylvania Public Utility Commission*, 727 A.2d 1080 (Pa. 1999).

#### **Cross References**

This section cited in 52 Pa. Code § 56.2 (relating to definitions); 52 Pa. Code § 56.17 (relating to advance payments); and 52 Pa. Code § 56.93 (relating to personal contact).

### **Subchapter E. TERMINATION OF SERVICE**

#### **GROUNDINGS FOR TERMINATION**

Sec.

- 56.81. Authorized termination of service.
- 56.82. Days termination of service is prohibited.
- 56.83. Unauthorized termination of service.

#### **NOTICE PROCEDURES PRIOR TO TERMINATION**

- 56.91. General notice provisions.
- 56.92. Notice when dispute pending.
- 56.93. Personal contact.
- 56.94. Procedures immediately prior to termination.
- 56.95. Deferred termination when no prior contact.
- 56.96. Post-termination notice.
- 56.97. Procedures upon ratepayer or occupant contact prior to termination.
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- 56.111. General provision.
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- 56.115.                      Restoration of service.
- 56.116.                      Duty of ratepayer to pay bills.
- 56.117.                      Termination upon expiration of medical certification.
- 56.118.                      Right of utility to petition the Commission.
- 56.121—56.126.          [Reserved].

### **THIRD-PARTY NOTIFICATION**

- 56.131.    Third-party notification.

### **GROUND FOR TERMINATION**

#### **§ 56.81. Authorized termination of service.**

Utility service to a dwelling may be terminated for one or more of the following reasons:

- (1) Nonpayment of an undisputed delinquent account.
- (2) Failure to post a deposit, provide a guarantee or establish credit.
- (3) Unreasonable refusal to permit access to meters, service connections and other property of the utility for the purpose of maintenance, repair or meter reading.
- (4) Unauthorized use of the utility service delivered on or about the affected dwelling.
- (5) Failure to comply with the material terms of a settlement or payment agreement.
- (6) Fraud or material misrepresentation of identity for the purpose of obtaining utility service.
- (7) Tampering with meters or other utility equipment.
- (8) Violating tariff provisions on file with the Commission so as to endanger the safety of a person or the integrity of the energy delivery system of the utility.

#### **Authority**

The provisions of this § 56.81 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504.

#### **Source**

The provisions of this § 56.81 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250. Immediately preceding text appears at serial pages (40806) and (52632).

#### **Cross References**

This section cited in 52 Pa. Code § 56.118 (relating to right of utility to petition the Commission); and 52 Pa. Code § 65.7 (relating to metered service).

**§ 56.82. Days termination of service is prohibited.**

Except in emergencies—which include unauthorized use of utility service—service shall not be terminated, for nonpayment of charges or for any other reason, during the following periods:

- (1) On Friday, Saturday, or Sunday.
- (2) On a bank holiday or on the day preceding a bank holiday.
- (3) On a holiday observed by the utility or on the day preceding such holiday. A holiday observed by a utility shall mean any day on which the business office of the utility is closed to observe a legal holiday, to attend utility meetings or functions, or for any other reason.
- (4) On a holiday observed by the Commission or on the day preceding such holiday.

**Authority**

The provisions of this § 56.82 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504.

**Source**

The provisions of this § 56.82 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250. Immediately preceding text appears at serial page (52632).

**Cross References**

This section cited in 52 Pa. Code § 56.118 (relating to right of utility to petition the Commission).

**§ 56.83. Unauthorized termination of service.**

Unless expressly and specifically authorized by the Commission, service may not be terminated nor will a termination notice be sent for any of the following reasons:

- (1) Nonpayment for concurrent service of the same class received at a separate dwelling.
- (2) Nonpayment for a different class of service received at the same or a different location. Service may be terminated, however, when, under the tariff of the utility, a change in classification is necessitated upon the completion of construction work previously billed at a different rate applicable during construction.
- (3) Nonpayment, in whole or in part: for leased or purchased merchandise, appliances or special services including but not limited to merchandise and appliance installation fees, rental and repair costs; of meter testing fees; of special construction charges; and of other nonrecurring charges that are not essential to delivery or metering of service, except as provided in this chapter.
- (4) Nonpayment of bills for delinquent accounts of the prior ratepayer at the same address.

(5) Nonpayment of a deposit which is based, in whole or in part, on a delinquent account arising out of a make-up bill as defined in § 56.14 (relating to previously unbilled utility service) and the ratepayer has complied with the requirements of § 56.41(1)(ii)(A) or (B) (relating to general rule).

(6) Noncompliance with a payment agreement prior to the due date of the bill which forms the basis of the agreement.

(7) Nonpayment of charges for utility service furnished more than 4 years prior to the date the bill is rendered.

(8) Nonpayment for residential service already furnished in the names of persons other than the ratepayer unless a court, district justice or administrative agency has determined that the ratepayer is legally obligated to pay for the service previously furnished. This paragraph does not affect the creditor rights and remedies of a utility otherwise permitted by law.

(9) Nonpayment of charges calculated on the basis of estimated billings, unless the estimated bill was required because utility personnel were unable to gain access to the affected premises to obtain an actual meter reading on two occasions and have made a reasonable effort to schedule a meter reading at a time convenient to the ratepayer or occupant, or a subsequent actual reading has been obtained as a verification of the estimate prior to the initiation of termination procedures.

(10) Nonpayment of delinquent accounts: which accrued over two billing periods or more, which remain unpaid in whole or in part for 6 months or less, and which amount to a total delinquency of less than \$25.

(11) Nonpayment of delinquent accounts when the amount of the deposit presently held by the utility is within \$25 of account balance.

#### **Authority**

The provisions of this § 56.83 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504.

#### **Source**

The provisions of this § 56.83 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B 1250. Immediately preceding text appears at serial pages (52632) to (52633).

#### **Cross References**

This section cited in 52 Pa. Code § 56.118 (relating to right of utility to petition the Commission); and 52 Pa. Code § 65.9 (relating to adjustment of bills for meter error).

### **NOTICE PROCEDURES PRIOR TO TERMINATION**

#### **§ 56.91. General notice provisions.**

Prior to a termination of service, the utility shall mail or deliver written notice to the ratepayer at least 10 days prior to the date of the proposed termination. In

the event of any taking or acceptance of utility service without the knowledge or approval of the utility, other than unauthorized use of service as defined in § 56.2 (relating to definitions), the utility shall comply with §§ 56.93—56.97, but need not otherwise provide notice 10 days prior to termination.

#### Authority

The provisions of this § 56.91 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504—506, 1301, 1305, 1501 and 1504.

#### Source

The provisions of this § 56.91 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379. Immediately preceding text appears at serial page (205752).

#### Cross References

This section cited in 52 Pa. Code § 56.16 (relating to transfer of accounts); 52 Pa. Code § 56.100 (relating to winter termination procedures); 52 Pa. Code § 56.117 (relating to termination upon expiration of medical certification); 52 Pa. Code § 56.118 (relating to right of utility to petition the Commission); and 52 Pa. Code § 56.164 (relating to termination pending resolution of the dispute).

### § 56.92. Notice when dispute pending.

A utility may not mail or deliver a notice of termination if a notice of dispute has been filed and is unresolved and if the subject matter of the dispute forms the grounds for the proposed termination. A notice mailed or delivered in contravention of this section is void.

#### Source

The provisions of this § 56.92 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655.

#### Notes of Decisions

##### *Notice; Jurisdiction of Commission*

When the utility sent a termination notice more than 6 weeks before the petitioner filed his complaint with the Commission, the sending of the termination notice was not in violation of § 56.92. In addition, the sending of the termination notice did not invoke Commission jurisdiction. *Gasparro v. Public Utility Commission*, 814 A.2d 1282 (Pa. Cmwlth. 2003).

#### Cross References

This section cited in 52 Pa. Code § 56.16 (relating to transfer of accounts); 52 Pa. Code § 56.100 (relating to winter termination procedures); 52 Pa. Code § 56.118 (relating to right of utility to petition the Commission); and 52 Pa. Code § 56.164 (relating to termination pending resolution of the dispute).

### § 56.93. Personal contact.

Except when authorized by § 56.71, § 56.72 or § 56.98 (relating to interruption of service; discontinuation of service; and exception for terminations based

on occurrences harmful to person or property), a utility may not interrupt, discontinue or terminate service without personally contacting the ratepayer or a responsible adult occupant at least 3 days prior to the interruption, discontinuance or termination, in addition to providing other notice as specified by the properly filed tariff of the utility or as required by this chapter or other Commission directive. For purposes of this section, “personal contact” means:



(1) Contacting the ratepayer or responsible adult occupant in person or by telephone.

(2) Contacting another person whom the ratepayer has designated to receive a copy of a notice of termination, other than a member or employe of the Commission.

(3) If the ratepayer has not made the designation noted in paragraph (2), contacting a community interest group or other entity, including a local police department, which previously shall have agreed to receive a copy of the notice of termination and to attempt to contact the ratepayer.

(4) If the ratepayer has not made the designation noted in paragraph (2) and if there is no community interest group or other entity which previously has agreed to receive a copy of the notice of termination, contacting the Commission in writing.

#### Authority

The provisions of this § 56.93 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301 and 1501.

#### Source

The provisions of this § 56.93 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379. Immediately preceding text appears at serial pages (241291) to (241292).

#### Cross References

This section cited in 52 Pa. Code § 56.16 (relating to transfer of accounts); 52 Pa. Code § 56.91 (relating to general notice provisions); 52 Pa. Code § 56.100 (relating to winter termination procedures); 52 Pa. Code § 56.101 (relating to limited notice upon noncompliance with report or order); 52 Pa. Code § 56.117 (relating to termination upon expiration of medical certification); 52 Pa. Code § 56.118 (relating to right of utility to petition the Commission); and 52 Pa. Code § 56.164 (relating to termination pending resolution of the dispute).

### § 56.94. Procedures immediately prior to termination.

Immediately preceding the termination of service, a utility employe, who may be the utility employe designated to perform the termination, shall attempt to make personal contact with a responsible person at the residence of the ratepayer and shall attempt to make personal contact with a responsible person at the affected dwelling.

(1) *Termination prohibited in certain cases.* If evidence is presented which indicates that payment has been made, a serious illness or medical condition exists, or a dispute or complaint is properly pending or if the employe is authorized to receive payment and payment in full is tendered in any reasonable manner, then termination shall not occur. However, if the disputing party does not pay all undisputed portions of the bill, termination may occur.

(2) *Methods of payment.* Payment in any reasonable manner includes payment by personal check unless the ratepayer within the past year has tendered a check which has been returned for insufficient funds or for which payment has been stopped.

**Authority**

The provisions of this § 56.94 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504.

**Source**

The provisions of this § 56.94 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended September 14, 1984, effective September 15, 1984, 14 Pa.B. 3364. Immediately preceding text appears at serial pages (82153) to (82154).

**Cross References**

This section cited in 52 Pa. Code § 56.16 (relating to transfer of accounts); 52 Pa. Code § 56.91 (relating to general notice provisions); 52 Pa. Code § 56.95 (relating to deferred termination when no prior contact); 52 Pa. Code § 56.100 (relating to winter termination procedures); 52 Pa. Code § 56.117 (relating to termination upon expiration of medical certification); 52 Pa. Code § 56.118 (relating to right of utility to petition the Commission); and 52 Pa. Code § 56.164 (relating to termination pending resolution of the dispute).

**§ 56.95. Deferred termination when no prior contact.**

If a prior contact has not been made with a responsible adult either at the residence of the ratepayer, as required by § 56.94 (relating to procedures immediately prior to termination) or at the affected dwelling, the employe may not terminate service but shall conspicuously post a termination notice at the residence of the ratepayer and the affected dwelling, advising that service will be disconnected not less than 48 hours from the time and date of posting.

**Authority**

The provisions of this § 56.95 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504.

**Source**

The provisions of this § 56.95 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250. Immediately preceding text appears at serial page (40807).

**Cross References**

This section cited in 52 Pa. Code § 56.16 (relating to transfer of accounts); 52 Pa. Code § 56.91 (relating to general notice provisions); 52 Pa. Code § 56.100 (relating to winter termination procedures); 52 Pa. Code § 56.101 (relating to limited notice upon noncompliance with report or order); 52 Pa. Code § 56.117 (relating to termination upon expiration of medical certification); 52 Pa. Code § 56.118 (relating to right of utility to petition the Commission); and 52 Pa. Code § 56.164 (relating to termination pending resolution of the dispute).

**§ 56.96. Post-termination notice.**

When service is actually terminated, notice or a written statement which contains the address and telephone number of the utility where the ratepayer or occupant may arrange to have service restored as well as a medical emergency notice substantially in the form which is attached to this chapter as Appendix B (relating to medical emergency notice) shall be conspicuously posted or delivered to a responsible person at the residence of the ratepayer and at the affected premises.

**Source**

The provisions of this § 56.96 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655.

**Cross References**

This section cited in 52 Pa. Code § 56.2 (relating to definitions); 52 Pa. Code § 56.16 (relating to transfer of accounts); 52 Pa. Code § 56.91 (relating to general notice provisions); 52 Pa. Code § 56.101 (relating to limited notice upon noncompliance with report or order); 52 Pa. Code § 56.117 (relating to termination upon expiration of medical certification); 52 Pa. Code § 56.118 (relating to right of utility to petition the Commission); and 52 Pa. Code § 56.164 (relating to termination pending resolution of the dispute).

**§ 56.97. Procedures upon ratepayer or occupant contact prior to termination.**

(a) If, after the issuance of the initial termination notice and prior to the actual termination of service, a ratepayer or occupant contacts the utility concerning a proposed termination, an authorized utility employe shall fully explain:

- (1) The reasons for the proposed termination.
- (2) All available methods for avoiding a termination, including the following:
  - (i) Tendering payment in full or otherwise eliminating the grounds for termination.
  - (ii) Entering a settlement or payment agreement.
- (3) The medical emergency procedures.

(b) The utility, through its employes, shall exercise good faith and fair judgment in attempting to enter a reasonable settlement or payment agreement or otherwise equitably to resolve the matter. Factors to be taken into account when attempting to enter into a reasonable settlement or payment agreement include the size of the unpaid balance, the ability of the ratepayer to pay, the payment history of the ratepayer and the length of time over which the bill accumulated. If a settlement or payment agreement is not established, the company shall further explain the following:

- (1) The right of the ratepayer to file a dispute with the utility and, thereafter, an informal complaint with the Commission.

(2) The procedures for resolving disputes and informal complaints, including the address and telephone number of the Commission: Public Utility Commission, Box 3265, Harrisburg, Pennsylvania, 17105-3265, (800) 692-7380.

(3) The duty of the ratepayer to pay any portion of a bill which the ratepayer does not honestly dispute.

#### Authority

The provisions of this § 56.97 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504—506, 1301, 1305, 1501 and 1504.

#### Source

The provisions of this § 56.97 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended September 22, 1978, effective September 23, 1978, 8 Pa.B. 2632; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379. Immediately preceding text appears at serial pages (205756) to (205757).

#### Cross References

This section cited in 52 Pa. Code § 56.17 (relating to advance payments); 52 Pa. Code § 56.72 (relating to discontinuance of service); 52 Pa. Code § 56.91 (relating to general notice provisions); 52 Pa. Code § 56.118 (relating to right of utility to petition the Commission); 52 Pa. Code § 56.164 (relating to termination pending resolution of the dispute); and 52 Pa. Code § 62.2 (relating to definitions).

### **§ 56.98. Exception for terminations based on occurrences harmful to person or property.**

Notwithstanding any other provision of this chapter, when a service termination is based on an occurrence which endangers the safety of any person or may prove harmful to the energy delivery system of the utility, the utility may terminate service without written notice so long as the utility honestly and reasonably believes grounds to exist. At the time of termination, the utility shall make a bona fide attempt to deliver a notice of termination to a responsible person at the affected premises and, in the case of a single meter, multiunit dwelling, shall conspicuously post the notice at the dwelling, including common areas when permissible.

#### Authority

The provisions of this § 56.98 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501, 1504 and 2911.

#### Source

The provisions of this § 56.98 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended January 13, 1995, effective April 14, 1995, 25 Pa.B. 145. Immediately preceding text appears at serial page (172375).

**Cross References**

This section cited in 52 Pa. Code § 56.16 (relating to transfer of accounts); 52 Pa. Code § 56.93 (relating to personal contact); 52 Pa. Code § 56.100 (relating to winter termination procedures); 52 Pa. Code § 56.118 (relating to right of utility to petition the Commission); and 52 Pa. Code § 56.164 (relating to termination pending resolution of the dispute).

**§ 56.99. Use of termination notice solely as collection device prohibited.**

A utility may not threaten to terminate service when it has no present intent to terminate service or when actual termination is prohibited under this chapter; notice of the intent to terminate shall be used only as a warning that service will in fact be terminated in accordance with the procedures set forth by this chapter, unless the ratepayer or occupant remedies the situation which gave rise to the enforcement efforts of the utility.

**Source**

The provisions of this § 56.99 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655.

**Notes of Decisions**

A utility is not permitted to threaten to terminate service when it has no present intent to do so and it cannot use a termination notice as a device to collect a security deposit. *West Penn Power Co. v. Pennsylvania Public Utility Commission*, 521 A.2d 75 (Pa. Cmwlth. 1987).

**Cross References**

This section cited in 52 Pa. Code § 56.16 (relating to transfer of accounts); and 52 Pa. Code § 56.118 (relating to right of utility to petition the Commission).

**§ 56.100. Winter termination procedures.**

Notwithstanding another provision of this chapter, during the period of December 1 through March 31, utilities subject to this chapter shall conform to the provisions of this section. The covered utilities may not be permitted to terminate heat related service between December 1 and March 31 except as provided in this section or in § 56.98 (relating to exception for terminations based on occurrences harmful to person or property).

(1) The utility shall comply with §§ 56.91—56.95 including personal contact, as defined in § 56.93(1) (relating to personal contact), at the premises if occupied.

(2) If at the conclusion of the notification process defined in §§ 56.91—56.95, a reasonable agreement cannot be reached between the utility and the ratepayer, the utility shall register with the Commission, in writing, a request for permission to terminate service, accompanied by a utility report as defined in § 56.152 (relating to contents of the utility company report).

(3) If the ratepayer has filed an informal complaint or if the Commission has acted upon the utility's written request, the matter shall proceed under §§ 56.161—56.165. Nothing in this section may be construed to limit the right

of a utility or ratepayer to appeal a decision by the mediation unit under 66 Pa.C.S. § 701 (relating to complaints) and §§ 56.171—56.173 and 56.211.

(4) For premises where heat related service has been terminated prior to December 1 of each year, covered utilities shall, within 90 days prior to December 1, survey and attempt to make post-termination personal contact with the occupant or a responsible adult at the premises and in good faith attempt to reach an agreement regarding payment of any arrearages and restoration of service.

(5) Companies shall file a brief report outlining their pre-December 1 survey and personal contact results with the Bureau of Consumer Services on or before December 15 of each year.

#### **Authority**

The provisions of this § 56.100 issued under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504.

#### **Source**

The provisions of this § 56.100 adopted April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250.

#### **Cross References**

This section cited in 52 Pa. Code § 56.101 (relating to limited notice upon noncompliance with report or order).

### **NOTICE PROCEDURES AFTER DISPUTE FILED**

#### **§ 56.101. Limited notice upon noncompliance with report or order.**

(a) Except during the winter period identified in § 56.100 (relating to winter termination procedures), the original grounds for terminations may be revived provided a 10-day termination notice was previously issued to the ratepayer. The original grounds for termination shall be revived and utilities may proceed with termination as provided in subsection (b) upon the failure to timely appeal from or comply with any of the following:

(1) A utility company report required by § 56.151 (relating to the general rule).

(2) An informal complaint report required by § 56.161 (relating to general rule; time for filing).

(3) An order from a formal complaint, under § 56.173 or § 56.174 (relating to formal complaint procedures other than appeals from mediation decisions of the Bureau of Consumer Services; and formal complaint procedures for appeals from mediation decisions of the Bureau of Consumer Services).

(4) A company negotiated payment or settlement agreement where a customer fails, at any time, during the first 120 days to maintain the agreement and this failure reflects payments of less than 50% of the overdue balance during this same time period.

(b) The utility may not be required to give further written notice so long as within 10 business days of the failure to appeal or comply with subsection (a):

(1) The ratepayer is personally contacted as described in § 56.93(1), (2) or (3) (relating to personal contact), at least 3 days prior to termination. If the utility is unable to make personal contact as described in § 56.93(1), (2) or (3), it shall proceed with the posting procedure described in § 56.95 (relating to deferred termination when no prior contact).

(2) At the time of termination, the utility serves personally on the ratepayer or posts conspicuously at the residence of the ratepayer and at the affected premises, including common areas where permissible, a post-termination notice complying with § 56.96 (relating to post-termination notice).

#### Authority

The provisions of this § 56.101 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504—506, 1301, 1305, 1501 and 1504.

#### Source

The provisions of this § 56.101 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379. Immediately preceding text appears at serial page (205759).

## EMERGENCY PROVISIONS

### § 56.111. General provision.

A utility may not terminate, or refuse to restore, service to a premise when an occupant therein is certified by a physician to be seriously ill or affected with a medical condition which will be aggravated by a cessation of service or failure to restore service.

#### Source

The provisions of this § 56.111 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655.

#### Notes of Decisions

##### *Landlord's Failure to Pay*

Emergency provisions found at 52 Pa. Code §§ 56.111—56.118 do apply to tenants where service is to be or has been terminated due to the landlord's failure to pay his bill, and take precedence over the more general Landlord-Tenant provisions of 66 Pa.C.S. §§ 1521—1533 (relating to discontinuance of service to lease premises) and the accompanying regulations at 52 Pa. Code §§ 56.121—56.126. *Tenant Action Group v. Pennsylvania Public Utility Commission*, 514 A.2d 1003 (Pa. Cmwlth. 1986).

##### *Nonchronic Illness*

Emergency medical provisions, which provide for medical certifications to prevent termination of gas service, apply to long-term and short-term nonchronic illnesses. *Jackson v. Pennsylvania Public Utility Commission*, 522 A.2d 1187 (Pa. Cmwlth. 1987); appeal denied 536 A.2d 1335 (Pa. 1987).

**Cross References**

This section cited in 52 Pa. Code § 56.115 (relating to restoration of service).

**§ 56.112. Postponement of termination pending receipt of certificate.**

If, prior to termination of service, the utility employe is informed that an occupant is seriously ill or is affected with a medical condition which will be aggravated by a cessation of service and that a medical certification will be procured, termination may not occur for at least 3 days. Service may be terminated if no certification is produced within that 3-day period.

**Source**

The provisions of this § 56.112 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655.

**Notes of Decisions***Nonchronic Illnesses*

Emergency medical provisions, which provide for medical certifications to prevent termination of gas service, apply to long-term and short-term nonchronic illnesses. *Jackson v. Pennsylvania Public Utility Commission*, 522 A.2d 1187 (Pa. Cmwlth. 1987); appeal denied 536 A.2d 1335 (Pa. 1987).

**Cross References**

This section cited in 52 Pa. Code § 56.114 (relating to length of postponement; renewals); and 52 Pa. Code § 56.115 (relating to restoration of service).

**§ 56.113. Medical certifications.**

Certifications initially may be written or oral, subject to the right of the utility to verify the certification by calling the physician or to require written confirmation within 7 days. Certifications, whether written or oral, shall include all of the following:

- (1) The name and address of the ratepayer in whose name the account is registered.
- (2) The name and address of the afflicted person and his relationship to the ratepayer.
- (3) The nature and anticipated length of the affliction.
- (4) The specific reason for which the service is required.
- (5) The name, office address and telephone number of the certifying physician.

**Authority**

The provisions of this § 56.113 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504.

**Source**

The provisions of this § 56.113 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250. Immediately preceding text appears at serial pages (37357) to (37358).

**Notes of Decisions***Nonchronic Illnesses*

Emergency medical provisions, which provide for medical certifications to prevent termination of gas service, apply to long-term and short-term nonchronic illnesses. *Jackson v. Pennsylvania Public Utility Commission*, 522 A.2d 1187 (Pa. Cmwlth. 1987); appeal denied 536 A.2d 1335 (Pa. 1987).

**Cross References**

This section cited in 52 Pa. Code § 56.114 (relating to length of postponement; renewals).

**§ 56.114. Length of postponement; renewals.**

Service may not be terminated for the time period specified in a medical certification; the maximum length of the certification shall be 30 days.

(1) *Time period not specified.* If no length of time is specified or if the time period is not readily ascertainable, service may not be terminated for at least 30 days.

(2) *Renewals.* Certifications may be renewed in the same manner and for the same time period as provided in §§ 56.112 and 56.113 (relating to postponement of termination pending receipt of certificate; and medical certifications) and this section if the ratepayer has met the obligation under § 56.116 (relating to duty of ratepayer to pay bills). In instances where a ratepayer has not met the obligation in § 56.116 to equitably make payments on all bills, the number of renewals is limited to two 30-day certifications. If a utility wishes to contest the renewal, it shall follow § 56.118(3) (relating to the right of utility to petition the Commission).

(*Editor's Note:* See 66 Pa.C.S. §§ 1521—1533 (relating to discontinuance of service to leased premises).)

**Authority**

The provisions of this § 56.114 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504—506, 1301, 1305, 1501 and 1504.

**Source**

The provisions of this § 56.114 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379. Immediately preceding text appears at serial pages (205761) to (205762).

**Notes of Decisions***Nonchronic Illnesses*

Emergency medical provisions, which provide for medical certifications to prevent termination of gas service, apply to long-term and short-term nonchronic illnesses. *Jackson v. Pennsylvania Public Utility Commission*, 522 A.2d 1187 (Pa. Cmwlth. 1987); appeal denied 536 A.2d 1335 (Pa. 1987).

**Cross References**

This section cited in 52 Pa. Code § 56.115 (relating to restoration of service).

**§ 56.115. Restoration of service.**

When service is required to be restored under this section and §§ 56.111, 56.114 and 56.116—56.118, the utility shall make a diligent effort to have service restored on the day of receipt of the medical certification. In any case, service shall be restored before the end of the next working day. Each utility shall have employees available or on call to restore service in emergencies.

**Source**

The provisions of this § 56.115 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655.

**§ 56.116. Duty of ratepayer to pay bills.**

Whenever service is restored or termination postponed under the medical emergency procedures, the ratepayer shall retain a duty to equitably arrange to make payment on all bills.

**Source**

The provisions of this § 56.116 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655.

**Notes of Decisions***Nonchronic Illnesses*

Emergency medical provisions, which provide for medical certifications to prevent termination of gas service, apply to long-term and short-term nonchronic illnesses. *Jackson v. Pennsylvania Public Utility Commission*, 522 A.2d 1187 (Pa. Cmwlth. 1987); appeal denied 536 A.2d 1335 (Pa. 1987).

**Cross References**

This section cited in 52 Pa. Code § 56.114 (relating to length of postponement; renewals); 52 Pa. Code § 56.115 (relating to restoration of service); and 52 Pa. Code § 56.118 (relating to right of utility to petition the Commission).

**§ 56.117. Termination upon expiration of medical certification.**

When the initial and renewal certifications have expired, the original ground for termination shall be revived and the utility may terminate service without additional written notice, if notice previously has been mailed or delivered under § 56.91 (relating to general notice provisions). The utility shall comply with §§ 56.93—56.96.

**Source**

The provisions of this § 56.117 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655.

**Notes of Decisions***Nonchronic Illnesses*

Emergency medical provisions, which provide for medical certifications to prevent termination of gas service, apply to long-term and short-term nonchronic illnesses. *Jackson v. Pennsylvania Public Utility Commission*, 522 A.2d 1187 (Pa. Cmwlth. 1987); appeal denied 536 A.2d 1335 (Pa. 1987).

**Cross References**

This section cited in 52 Pa. Code § 56.115 (relating to restoration of service).

**§ 56.118. Right of utility to petition the Commission.**

(a) A utility may petition the Commission for waiver from the medical certification procedures for the following purposes:

(1) *Contest the validity of a certification.* To request an investigation and hearing by the Commission or its designee when the utility wishes to contest the validity of the certification.

(2) *Terminate service prior to expiration of certification.* To request permission to terminate service for the failure of the ratepayer to equitably arrange to make payments on bills.

(3) *Contest the renewal of a certification.* To request permission to terminate service, under this section and §§ 56.81—56.83 and 56.91—56.99 when the ratepayer has not met his duty under § 56.116 (relating to duty of ratepayer to pay bills), provided that the utility has informed the ratepayer of that duty under § 56.116.

(b) A utility shall continue to provide service while a final Commission adjudication on the petition is pending. A petition under this section shall be accompanied by a utility report described in § 56.152 (relating to contents of the utility company report).

(c) Upon the filing of a petition for waiver of medical certification, Commission staff will review the facts and issue an informal written decision.

(d) A party to the proceeding may, within 20 days of mailing of the informal decision, and not thereafter except for good cause shown, appeal by filing with the Secretary of the Commission a letter stating the basis for appeal. An appeal from the informal decision will be assigned to the Office of Administrative Law Judge for hearing and decision.

**Authority**

The provisions of this § 56.118 issued under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504; amended under the Public Utility Code, 66 Pa.C.S. §§ 331—335, 501, 701—703 and 1501—1511.

**Source**

The provisions of this § 56.118 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended January 19, 1990, effective January 20, 1990, 20 Pa.B. 278. Immediately preceding text appears at serial page (120491).

**Notes of Decisions***Nonchronic Illnesses*

Emergency medical provisions, which provide for medical certifications to prevent termination of gas service, apply to long-term and short-term nonchronic illnesses. *Jackson v. Pennsylvania Public Utility Commission*, 522 A.2d 1187 (Pa. Cmwlth. 1987); appeal denied 536 A.2d 1335 (Pa. 1987).

**Cross References**

This section cited in 52 Pa. Code § 56.114 (relating to length of postponement; renewals); and 52 Pa. Code § 56.115 (relating to restoration of service).

**§ 56.121. [Reserved].****Source**

The provisions of this § 56.121 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; reserved July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379. Immediately preceding text appears at serial pages (205764) to (205765).

**Notes of Decisions***Landlord's Failure to Pay*

Emergency provisions found at 52 Pa. Code §§ 56.111—56.118 do apply to tenants where service is to be or has been terminated due to the landlord's failure to pay his bill, and take precedence over the more general Landlord-Tenant provisions of 66 Pa.C.S. §§ 1521—1533 (relating to discontinuance of service to leased premises) and the accompanying regulations at 52 Pa. Code §§ 56.121—56.126. *Tenant Action Group v. Pennsylvania Public Utility Commission*, 514 A.2d 1003 (Pa. Cmwlth. 1986).

**Cross References**

This section cited in 52 Pa. Code § 56.72 (relating to discontinuation of service).

**§§ 56.122—56.126. [Reserved].****Source**

The provisions of these §§ 56.122—56.126 adopted April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; reserved July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379. Immediately preceding text appears at serial (205765) to (205770) and (220827).

**Cross References**

These sections cited in 52 Pa. Code § 56.72 (relating to discontinuation of service).

**Notes of Decisions***Landlord's Failure to Pay*

Emergency provisions found at 52 Pa. Code §§ 56.111—56.118 do apply to tenants where service is to be or has been terminated due to the landlord's failure to pay his bill, and take precedence over the more general Landlord-Tenant provisions of 66 Pa.C.S. §§ 1521—1533 (relating to discontinuance of service to leased premises) and the accompanying regulations at 52 Pa. Code §§ 56.121—56.126. *Tenant Action Group v. Pennsylvania Public Utility Commission*, 514 A.2d 1003 (Pa. Cmwlth. 1986).

**THIRD-PARTY NOTIFICATION****§ 56.131. Third-party notification.**

Each utility shall permit its ratepayers to designate a consenting individual or agency which is to be sent, by the utility, a duplicate copy of reminder notices, past due notices, delinquent account notices or termination notices of whatever kind issued by that utility. When contact with a third party is made, the utility shall advise the third party of the pending action and the efforts which shall be taken to avoid termination. A utility shall institute and maintain a program:

- (1) To allow ratepayers to designate third parties to receive copies of a ratepayer's or group of ratepayers' notices of termination of service.
- (2) To advise ratepayers of the availability of a third-party notification program and to encourage their use thereof.
- (3) To solicit community groups to accept third-party notices in order to assist in preventing unnecessary terminations and protecting the public health and safety.



Ch. 56                      STANDARDS AND BILLING PRACTICES

**Authority**

The provisions of this § 56.131 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504.

**Source**

The provisions of this § 56.131 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250. Immediately preceding text appears at serial page (37361).

**Subchapter F. DISPUTES; TERMINATION DISPUTES; INFORMAL  
AND FORMAL COMPLAINTS**

**GENERAL PROVISIONS**

- Sec.  
56.140. Follow-up response to inquiry.  
56.141. Dispute procedures.  
56.142. Time for filing a termination dispute or informal complaints.  
56.143. Effect of failure to timely file a termination dispute.

**UTILITY COMPANY DISPUTE PROCEDURES**

- 56.151. General rule.  
56.152. Contents of the utility company report.

**INFORMAL COMPLAINT PROCEDURES**

- 56.161. General rule; time for filing.  
56.162. Informal complaint filing procedures.  
56.163. Commission informal complaint procedure.  
56.164. Termination pending resolution of the dispute.  
56.165. Conference procedures.

**FORMAL COMPLAINTS**

- 56.171. General rule.  
56.172. Time for filing.  
56.173. Formal complaint procedures other than appeals from mediation decisions of the Bureau of Consumer Services.  
56.174. Formal complaint procedures for appeals from mediation decisions of the Bureau of Consumer Services.

**PAYMENT OF BILLS PENDING RESOLUTION OF  
DISPUTES AND COMPLAINTS**

- 56.181. Duties of parties; disputing party's duty to pay undisputed portion of bills; utility's duty to pay interest whenever overpayment found.

**Cross References**

This subchapter cited in 52 Pa. Code § 54.153 (relating to reporting requirements); 52 Pa. Code § 55.115 (relating to coordination with other regulations); and 52 Pa. Code § 65.10 (relating to disputed bills).

**GENERAL PROVISIONS**

**§ 56.140. Follow-up response to inquiry.**

When a customer is waiting for a follow-up response to an inquiry under § 56.2 (relating to the definition of initial inquiry), termination or threatening termination of service for the subject matter in question shall be prohibited until the follow-up response, and when applicable, subsequent dispute resolution is completed by the utility.

**Authority**

The provisions of this § 56.140 issued under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301 and 1501.

**Source**

The provisions of this § 56.140 adopted July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379.

**§ 56.141. Dispute procedures.**

A notice of dispute, including termination disputes, shall proceed in the first instance, according to this section:

(1) *Attempted resolution.* If, at any time prior to the actual termination of service, a ratepayer advises the utility that he disputes any matter covered by this chapter, including but not limited to credit determinations, deposit requirements, the accuracy of utility metering or billing or the proper party to be charged, the utility shall attempt to resolve the dispute in accordance with § 56.151 (relating to general rule).

(2) *Termination stayed.* Except as otherwise provided in this chapter, where a termination dispute or complaint has been properly filed in accordance with this subchapter, termination shall be prohibited until resolution of the dispute or complaint; however, the disputing party shall pay undisputed portions of the bill.

**Authority**

The provisions of this § 56.141 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504.

**Source**

The provisions of this § 56.141 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250. Immediately preceding text appears at serial page (37363).

**Notes of Decisions***Attempted Resolution*

The utility did not improperly require customers to talk to the utility before filing a complaint with the Pennsylvania Public Utility Commission, where the regulations require the public utilities to attempt to resolve a dispute with a customer before any informal or formal complaint is filed with the Pennsylvania Public Utility Commission, and where the language used by the utility in its billing statement complied with 52 Pa. Code § 56.2. *Aronson v. Pennsylvania Public Utility Commission*, 740 A.2d 1208 (Pa. Cmwlth. 1999); appeal denied 751 A.2d 193 (Pa. 2000).

**Cross References**

This section cited in 52 Pa. Code § 56.16 (relating to transfer of accounts).

**§ 56.142. Time for filing a termination dispute or informal complaints.**

To be timely filed, a termination dispute—which may not include disputes under §§ 56.35 and 56.191 (relating to payment of outstanding balance; and general rule)—and informal complaints shall be filed prior to the day on which the utility arrives to terminate service. If the utility arrives to terminate service and posts a deferred termination notice in lieu of termination or otherwise fails to terminate service, the time for filing a termination dispute or informal complaint shall be extended until the end of the business day prior to the utility again arriving to terminate service.

**Authority**

The provisions of this § 56.142 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504—506, 1301, 1305, 1501 and 1504.

**Source**

The provisions of this § 56.142 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379. Immediately preceding text appears at serial page (205773).

**Cross References**

This section cited in 52 Pa. Code § 56.16 (relating to transfer of accounts).

**§ 56.143. Effect of failure to timely file a termination dispute.**

Failure to timely file a notice of dispute, except for good cause, shall constitute a waiver of applicable rights to retain service without complying with the termination notice or conference report of the utility and may constitute a waiver of rights to file an informal complaint in accordance with this chapter.

**Source**

The provisions of this § 56.143 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655.

**Cross References**

This section cited in 52 Pa. Code § 56.16 (relating to transfer of accounts).

**UTILITY COMPANY DISPUTE PROCEDURES****§ 56.151. General rule.**

Upon initiation of a dispute covered by this section, the utility shall:

- (1) Not issue a termination notice based on the disputed subject matter.
- (2) Investigate the matter using methods reasonable under the circumstances, which may include telephone or personal conferences, or both, with the ratepayer or occupant.
- (3) Make a diligent attempt to negotiate a reasonable payment agreement if the ratepayer or occupant claims a temporary inability to pay an undisputed bill. Factors which shall be considered in the negotiation of a payment agreement shall include, but not be limited to:
  - (i) The size of the unpaid balance.
  - (ii) The ability of the ratepayer to pay.
  - (iii) The payment history of the ratepayer.
  - (iv) The length of time over which the bill accumulated.
- (4) Provide the ratepayer or occupant with the information necessary for an informed judgment, including, but not limited to, relevant portions of tariffs, statements of account and results of meter tests.
- (5) Within 30 days of the initiation of the dispute, issue its report to the complaining party. The utility shall inform the complaining party that the report is available upon request.
  - (i) If the complainant is not satisfied with the dispute resolution, the utility company report shall be in writing and conform to § 56.152 (relating to contents of the utility company report). Further, in these instances, the written report shall be sent to the complaining party if requested or if the utility deems it necessary.
  - (ii) If the complaining party is satisfied with the orally conveyed dispute resolution, the written utility company report may be limited to the information in § 56.152(1), (2), and, when applicable, § 56.152(7)(ii) or (8)(ii).
  - (iii) If the complaining party expresses satisfaction but requests a written report, the report shall conform with § 56.152, in its entirety.

**Authority**

The provisions of this § 56.151 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504—506, 1301, 1305, 1501 and 1504.

**Source**

The provisions of this § 56.151 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379. Immediately preceding text appears at serial pages (205774) to (205775).

**Cross References**

This section cited in 52 Pa. Code § 54.153 (relating to reporting requirements); 52 Pa. Code § 56.101 (relating to limited notice upon noncompliance with report or order); 52 Pa. Code § 56.141 (relating to dispute procedures); 52 Pa. Code § 57.177 (relating to customer dispute procedures); 52 Pa. Code § 59.97 (relating to Customer Dispute Procedures); 52 Pa. Code § 62.33 (relating to reporting requirements); and 52 Pa. Code § 69.265 (relating to CAP design elements).

**§ 56.152. Contents of the utility company report.**

A utility company report shall include the following:

- (1) A statement of the claim or dispute of the ratepayer and a copy thereof if the claim or notice of dispute was made in writing.
- (2) The position of the utility regarding that claim.
- (3) A statement that service will not be terminated pending completion of the dispute process, including both informal and formal complaints, so long as there is compliance with all requirements of the Commission.
- (4) A statement that if the complaining party does not agree with the utility company report, an informal complaint shall be filed with the Commission within 10 days of the mailing date of the report to insure the preservation of all of his rights.
- (5) The office where payment may be made or information obtained listing the appropriate telephone number and address of the utility.
- (6) A full and complete explanation of procedures for filing an informal complaint with the Commission (see § 56.162 (relating to informal complaint filing procedures)). If a written report is not requested by the complaining party or deemed necessary by the utility, the utility shall provide the information in § 56.162(1), (2) and (5). In addition, the utility should always provide the telephone number and address of the office of the Commission where an informal complaint may be filed.
- (7) If the matter in dispute involves a billing dispute, the report shall include the following:
  - (i) An itemized statement of the account of the complaining ratepayer specifying the amount of credit, if any, and the proper amount due.
  - (ii) The date on or after which the account will become delinquent unless a settlement or payment agreement is entered into or an informal complaint is filed with the Commission. This date may not be earlier than the due date of the bill or 15 days after the issuance of a utility company report, whichever is later.

(8) If the matter involves a dispute other than a billing dispute, the report shall also state the following:

- (i) The action required to be taken to avoid the termination of service.
- (ii) The date on or after which service will be terminated unless the report is complied with, settlement agreement entered or an informal complaint filed. This date may not be earlier than the original date for compliance with the matter which gave rise to the dispute or 10 days from the date of issuance of the utility report, whichever is later.

#### Authority

The provisions of this § 56.152 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504—506, 1301, 1305, 1501 and 1504.

#### Source

The provisions of this § 56.152 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379. Immediately preceding text appears at serial pages (205775) to (205776).

#### Cross References

This section cited in 52 Pa. Code § 56.100 (relating to winter termination procedures); 52 Pa. Code § 56.118 (relating to right of utility to petition the Commission); 52 Pa. Code § 56.151 (relating to general rule); 52 Pa. Code § 57.177 (relating to customer dispute procedures); 52 Pa. Code § 59.97 (relating to Customer Dispute Procedures); and 52 Pa. Code § 69.265 (relating to CAP design elements).

## INFORMAL COMPLAINT PROCEDURES

### § 56.161. General rule; time for filing.

Within 10 days of notification or mailing of a utility company report and not thereafter except for failure to receive notice or other good cause, an informal complaint may be filed with the Commission.

#### Source

The provisions of this § 56.161 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655.

#### Cross References

This section cited in 52 Pa. Code § 56.100 (relating to winter termination procedures); 52 Pa. Code § 56.101 (relating to limited notice upon noncompliance with report or order); 52 Pa. Code § 56.165 (relating to conference procedures); 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering); and 52 Pa. Code § 69.265 (relating to CAP design elements).

### § 56.162. Informal complaint filing procedures.

An informal complaint may be filed orally or in writing and shall include the following information:

- (1) The name and address of the ratepayer and, if different, the address at which service provided.
- (2) The telephone number of the ratepayer.
- (3) The account number of the ratepayer, if applicable.
- (4) The name of the utility.
- (5) A brief statement of the dispute.
- (6) Whether the dispute formerly has been the subject of a utility company investigation and report.
- (7) Whether the dispute formerly has been the subject of a Commission informal or formal complaint.
- (8) The date, if any, of proposed termination.
- (9) The relief sought.

**Authority**

The provisions of this § 56.162 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301 and 1501.



**Source**

The provisions of this § 56.162 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379. Immediately preceding text appears at serial pages (205776) and (225729).

**Cross References**

This section cited in 52 Pa. Code § 3.111 (relating to form and content of informal complaints); 52 Pa. Code § 56.100 (relating to winter termination procedures); 52 Pa. Code § 56.152 (relating to contents of the utility company report); 52 Pa. Code § 56.165 (relating to conference procedures); 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering); and 52 Pa. Code § 69.265 (relating to CAP design elements).

**§ 56.163. Commission informal complaint procedure.**

Upon the filing of an informal complaint, which shall be docketed as “(Complainant) v. (utility),” Commission staff will immediately notify the utility; review the dispute; and, within a reasonable period of time, issue to the utility and the complaining party an informal report with findings and a decision. Parties may represent themselves or be represented by counsel or other person of their choice, and may bring witnesses to appear on their behalf. The reports shall be in writing and a summary shall be sent to the parties if a party requests it or if the Commission staff finds that a summary is necessary.

(1) *Review techniques.* Review will be by an appropriate means, including, but not limited to, utility company reports, telephone calls, conferences, written statements, research, inquiry and investigation. Procedures shall be designed to insure a fair and reasonable opportunity to present pertinent evidence and to challenge evidence submitted by the other party to the dispute, to examine a list of witnesses who will testify and documents, records, files, account data, records of meter tests and other material that the Commission staff will determine may be relevant to the issues, and to question witnesses appearing on behalf of other parties.

(2) *Settlement.* Prior to the issuance of its report, Commission staff may negotiate with the parties in an attempt to settle the matters in dispute. Upon reaching settlement, Commission staff will prepare, when advisable, a settlement agreement which shall be signed by the parties and will make the provisions for the obtaining of signatures reasonable under the circumstances.

**Authority**

The provisions of this § 56.163 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504.

**Source**

The provisions of this § 56.163 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250. Immediately preceding text appears at serial pages (37366) to (37367).

**Notes of Decisions**

The statute of limitations did not run during the period of time which the Bureau of Consumer Services was investigating the ratepayers informal complaint. *Duquesne Light Co. v. Pennsylvania Public Utility Commission*, 611 A.2d 370 (Pa. Cmwlth. 1992).

**Cross References**

This section cited in 52 Pa. Code § 56.100 (relating to winter termination procedures); 52 Pa. Code § 56.165 (relating to conference procedures); 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering); and 52 Pa. Code § 69.265 (relating to CAP design elements).

**§ 56.164. Termination pending resolution of the dispute.**

In any case alleging unauthorized use of utility service, as defined in § 56.2 (relating to definitions), a utility may terminate service after giving proper notice in accordance with §§ 56.91—56.98, whether or not a dispute is pending.

**Authority**

The provisions of this § 56.164 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504.

**Source**

The provisions of this § 56.164 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250. Immediately preceding text appears at serial pages (37367) to (37368).

**Cross References**

This section cited in 52 Pa. Code § 56.100 (relating to winter termination procedures); 52 Pa. Code § 56.165 (relating to conference procedures); 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering); and 52 Pa. Code § 69.265 (relating to CAP design elements).

**§ 56.165. Conference procedures.**

Conferences held under §§ 56.161—56.164 and this section will be informal and may be held by conference telephone call, where appropriate. If the parties are to be present, the conferences will take place within reasonable proximity to the situs of the complaint. The parties will be advised that false information intended to mislead a public servant in performing his official function may be punishable criminally.

**Authority**

The provisions of this § 56.165 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504.

**Source**

The provisions of this § 56.165 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250. Immediately preceding text appears at serial page (37368).

**Cross References**

This section cited in 52 Pa. Code § 56.100 (relating to winter termination procedures); 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering); and 52 Pa. Code § 69.265 (relating to CAP design element).

**FORMAL COMPLAINTS****§ 56.171. General rule.**

Except as otherwise provided in this chapter, formal complaint proceedings will proceed according to the rules and regulations of the Commission governing complaint proceedings.

**Source**

The provisions of this § 56.171 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655.

**Cross References**

This section cited in 52 Pa. Code § 56.100 (relating to winter termination procedures); and 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering).

**§ 56.172. Time for filing.**

Within 20 days of notification or mailing of the informal complaint report and not thereafter except for good cause, an appeal from the report of the Consumer Service Representative may be initiated by means of a written intention to appeal. Upon receipt of this written intention, the Secretary's Bureau will determine whether the appeal is from a mediation decision of the Bureau of Consumer Services—to be docketed with the prefix "Z"—or another type of appeal. Thereafter, formal complaint forms shall be filed by the party taking the appeal.

- (1) Appeal from mediation decisions where the issue is solely ability to pay shall proceed in accord with § 56.174 (relating to formal complaint procedures for appeals from mediation decisions of the Bureau of Consumer Services).
- (2) Other appeals shall proceed in accord with § 56.173 (relating to formal complaint procedures other than appeals from mediation decisions of the Bureau of Consumer Services).

**Authority**

The provisions of this § 56.172 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 332, 501, 504, 1301, 1305, 1501 and 1504.

**Source**

The provisions of this § 56.172 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended July 20, 1984, effective July 21, 1984, 14 Pa.B. 2676; amended January 8, 1988, effective January 9, 1988, 18 Pa.B. 185. Immediately preceding text appears at serial page (91527).

**Cross References**

This section cited in 52 Pa. Code § 56.100 (relating to winter termination procedures); and 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering).

**§ 56.173. Formal complaint procedures other than appeals from mediation decisions of the Bureau of Consumer Services.**

Appeals from informal complaint reports will be heard de novo by the Commission, a Commissioner or an Administrative Law Judge:

(1) *Filing and docketing.* Appeals will be filed and docketed as a formal Commission complaint, under §§ 5.22 and 5.61 (relating to contents of formal complaint; and answers to complaints, petitions and motions).

(2) *Captions.* The parties to an appeal will be stated in the caption as they stood upon the record of the informal complaint proceeding, with the addition of the phrase of "Complaint Appellant" after the name of the party taking the appeal.

(3) *Hearings.* Hearings conducted by a Commissioner or administrative law judge will be held within a reasonable period of time after the filing of the answer. The parties may incorporate portions of the conference report or informal complaint report that they shall agree upon.

(4) *Formal complaint report.* The Commissioner or administrative law judge assigned to the formal complaint will file his report with the Commission within a reasonable period of time after the receipt of the transcribed testimony. Included in the report will be a description of the matter, findings of fact, conclusions of law and other discussion and opinion as is appropriate.

(5) *Commission review.* The Commission will review the report of the assigned administrative law judge or Commissioner, commit it to advisory staff for further analysis, remand it to an administrative law judge or Commissioner for further development of the record or issue a final order.

**Authority**

The provisions of this § 56.173 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 332, 501, 504, 1301, 1305, 1501 and 1504.

**Source**

The provisions of this § 56.173 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended July 20, 1984, effective July 21, 1984, 14 Pa.B. 2676. Immediately preceding text appears at serial pages (82178) to (82179).

**Cross References**

This section cited in 52 Pa. Code § 56.100 (relating to winter termination procedures); 52 Pa. Code § 56.101 (relating to limited notice upon noncompliance with report or order); 52 Pa. Code § 56.172 (relating to time for filing); and 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering).

**§ 56.174. Formal complaint procedures for appeals from mediation decisions of the Bureau of Consumer Services.**

Appeals from mediation decisions of the Bureau of Consumer Services, and any other case in which the issue is solely ability to pay, including ability to pay according to payment agreements, shall be assigned to a special agent for review. Where there are issues involved other than ability to pay, any party or the Office of Administrative Law Judge sua sponte, can remove or seek removal of the appeal to an administrative law judge.

(1) *Filing and docketing.* Appeals shall be filed as a formal complaint under this title and shall be docketed with the prefix “Z.”

(2) *Caption.* Parties will be stated in the caption as in the informal complaint proceeding, with the addition of the designation “Appellant” after the name of the party taking the appeal.

(3) *Stay of informal complaint decision.* Upon appeal from the mediation decision of the Bureau of Consumer Services, there shall be an automatic stay of payment arrangements ordered in that decision, other than current bills not at issue. The utility may request that the special agent remove the stay and order payment of amounts set forth in the mediation decision. When current bills are not at issue, the ratepayer will be responsible for payment of current, undisputed bills pending review.

(4) *Hearings.* The special agent shall conduct hearings within a reasonable period after filing of the appeal and answer. The special agent shall have all powers of an administrative law judge or presiding officer.

(i) The special agent shall attempt to hold hearings by telephone, subject to the approval of the parties. Hearings shall be held within 25 days after receipt of appellee’s answer.

(ii) The special agent shall hear the appeals de novo, but may request a stipulation of the parties as to undisputed facts.

(iii) Hearings shall be tape recorded and may not be transcribed, unless the parties request the use of a stenographer or a transcription of the tape recording. Unless objected to, parties may make their own tape recording of the proceedings, but the only official record shall be that sanctioned by the special agent.

(5) *Proposed findings and conclusions.* The parties shall have the opportunity of submitting proposed findings and conclusions to the special agent, with supporting reasons therefor. If proposed findings and conclusions have not been submitted at or before hearing, notice of intent to submit them shall be given at hearing and they shall be submitted within 10 days of the hearing.

(6) *Formal complaint report.* The special agent shall render a decision within 25 days after hearings or 25 days after receipt of proposed findings and conclusions if they are filed. The decision shall be in writing and shall contain a brief description of the matter, findings of fact and conclusions of law.

(7) *Post hearing procedures.* A party to a proceeding referred to a special agent may file exceptions to the decision of the special agent within 15 days after the decision is issued, in a form and manner to be prescribed by the Commission. The special agent shall rule upon the exceptions within 30 days after filing. A party to the proceeding may appeal to the Commission from the ruling of the special agent on the exceptions within 15 days after the ruling is issued. If no exceptions are filed or if no appeal is taken from the ruling on the exceptions within 15 days after the decision or ruling is issued, the decision or ruling shall become final, without further Commission action, unless two or more commissioners within 15 days after the decision or ruling on the exceptions request that the Commission review the decision and make the other order, within 90 days of the request, as it shall determine.

#### Authority

The provisions of this § 56.174 issued under the Public Utility Code, 66 Pa.C.S. §§ 331, 332, 501, 504, 1301, 1305, 1501 and 1504.

#### Source

The provisions of this § 56.174 adopted July 20, 1984, effective July 21, 1984, 14 Pa.B. 2676.

#### Cross References

This section cited in 52 Pa. Code § 56.101 (relating to limited notice upon noncompliance with report or order); 52 Pa. Code § 56.172 (relating to time for filing); and 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering).

### **PAYMENT OF BILLS PENDING RESOLUTION OF DISPUTES AND COMPLAINTS**

#### **§ 56.181. Duties of parties; disputing party's duty to pay undisputed portion of bills; utility's duty to pay interest whenever overpayment found.**

Pending resolution of a dispute, including a termination dispute, the disputing party shall be required to pay the undisputed portion of bills, as described in this section:

(1) *Pending informal complaint.* Pending the outcome of an informal complaint, the disputing party shall be obligated to pay that portion of a bill which is not honestly disputed. An amount ultimately determined, by the parties or the Commission, to have been validly due but not paid may be paid with interest at the tariff rate filed under § 56.22 (relating to accrual of late payment charges) except when interest charges have been reduced or eliminated by the parties or the Commission in order to facilitate payment by the disputing party.

(2) *Pending formal complaint.* Prior to the hearing on a formal complaint or prior to the issuance of a Commission order when no hearing is to be held

in a formal complaint proceeding, the ratepayer shall be required to pay that amount which the Consumer Services Representative determines is not reasonably disputed.

(3) *Overpayments reimbursed with interest.* An amount ultimately determined to have been overpaid by the disputing party shall be reimbursed with interest at the tariff rate filed under § 56.22.

(4) *Effect of offer of payment.* An offer by a ratepayer to pay all or any portion of a bill may not be deemed a waiver of a right to reimbursement for amounts subsequently deemed, by the parties or the Commission, to have been overpaid.

(5) *Effect of acceptance of partial payment.* The acceptance by a utility of a partial payment for a bill pending final outcome of a dispute may not be deemed an accord and satisfaction or waiver of the right of the utility to payment in full as subsequently agreed to by the parties or decided by the Commission.

#### Source

The provisions of this § 56.181 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended January 15, 1982, effective January 16, 1982, 12 Pa.B. 298. Immediately preceding text appears at serial page (37370).

#### Cross References

This section cited in 52 Pa. Code § 56.12 (relating to meter reading; estimated billing; ratepayer readings); and 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering).

### Subchapter G. RESTORATION OF SERVICE

Sec.

56.191. General rule.

56.192. Personnel available to restore service.

#### § 56.191. General rule.

When service to a dwelling has been terminated, the utility shall reconnect service by the end of the first full working day after receiving one of the following:

(1) Full payment of an outstanding charge plus a reasonable reconnection fee. Outstanding charges and the reconnection fee may be amortized over a reasonable period of time. Factors to be taken into account shall include, but not be limited to:

- (i) The size of the unpaid balance.
- (ii) The ability of the ratepayer to pay.
- (iii) The payment history of the ratepayer.
- (iv) The length of time over which the bill accumulated.

(2) Payment of amounts currently due according to a settlement or payment agreement, plus a reasonable reconnection fee, which may be a part of the settlement or payment agreement. The utility may apply the procedure in paragraph (1), if the payment history indicates that the ratepayer has defaulted on at least two payment agreements, or an informal complaint decision, or a formal complaint order.

(3) Adequate assurances that any unauthorized use or practice will cease, plus full payment of the reasonable reconnection fee of the utility, which may be subject to a payment agreement and compliance or adequate assurance of compliance with an applicable provision for the establishment of credit or the posting of deposits or guarantees.

#### Authority

The provisions of this § 56.191 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504—506, 1301, 1305 and 1501—1504.

#### Source

The provisions of this § 56.191 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended September 10, 1982, effective September 11, 1982, 12 Pa.B. 3093; amended April 8, 1983, effective April 9, 1983, 13 Pa. B. 1250; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379. Immediately preceding text appears at serial pages (205783) to (205784).

#### Cross References

This section cited in 52 Pa. Code § 56.142 (relating to time for filing a termination dispute or informal complaints); and 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering).

### § 56.192. Personnel available to restore service.

A utility shall have adequate personnel available between 9 a.m. and 5 p.m. on each working day or for a commensurate period of 8 consecutive hours to restore service when required under this subchapter.

#### Source

The provisions of this § 56.192 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655.

#### Cross References

This section cited in 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering).

## Subchapter H. PUBLIC INFORMATION PROCEDURES; RECORD MAINTENANCE

- 56.201. Public information.
- 56.202. Record maintenance.

**§ 56.201. Public information.**

In addition to the notice requirements set forth in this chapter, the Commission will, within 6 months of the effective date of a change to a regulation in this chapter, prepare a summary of the rights and responsibilities of the utility and its ratepayers affected by the change. Summaries shall be mailed by the utility to each ratepayer of the utility affected by the change. These summaries, as well as a summary of the rights and responsibilities of the utility and its ratepayers in accordance with this chapter, shall be in writing, shall be reproduced by the utility, shall be displayed prominently, and shall be available at all utility office locations open to the general public. This information shall be delivered or mailed to each new ratepayer of the utility upon the commencement of service and shall be available at all times upon request. A utility which serves a substantial number of Spanish-speaking ratepayers shall provide billing information in English and in Spanish. The written information shall indicate conspicuously that it is being provided in accordance with the regulations of the Commission and shall contain information concerning, but not limited to, the following:

- (1) Billing and estimated billing procedures.
- (2) Methods for customer verification of billing accuracy.
- (3) Explanation of operation of fuel adjustment clauses and purchased gas adjustment clauses.
- (4) Payment requirements and procedures.
- (5) Security deposit and guarantee requirements.
- (6) Procedures for discontinuance and reconnection of service.
- (7) Dispute, informal complaint and formal complaint procedures.
- (8) Explanation of meter reading procedures which would enable a ratepayer or occupant to read his own meter.
- (9) Procedure whereby ratepayers or occupants may avoid discontinuance of service during extended periods of absence.
- (10) Third-party notification procedures.
- (11) Telephone numbers and addresses of the utility and of the nearest regional office of the Commission where further inquiries may be made.
- (12) Definitions of terms or abbreviations used by the utility on its bills.

**Authority**

The provisions of this § 56.201 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504.

**Source**

The provisions of this § 56.201 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250. Immediately preceding text appears at serial pages (73195) and (37372).

**Cross References**

This section cited in 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering).

**§ 56.202. Record maintenance.**

A utility shall preserve for a minimum of 4 years written or recorded disputes and complaints, shall keep the records within this Commonwealth at an office located in the territory served by it, and shall make the records available for examination by the Commission or its staff. Information to be maintained shall include the following:

- (1) The payment performance of each of its ratepayers.
- (2) The number of settlement agreements made by the utility company and a synopsis of the terms, conditions and standards upon which agreements were made.
- (3) The number of service terminations and reconnections.
- (4) Communications to or from individual ratepayers regarding interruptions, discontinuances, terminations and reconnections of service, including the name and address of the ratepayer, the date and character of the dispute or complaint and the adjustment or disposal made of the matter.

**Authority**

The provisions of this § 56.202 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301 and 1501.

**Source**

The provisions of this § 56.202 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379. Immediately preceding text appears at serial page (205785).

**Cross References**

This section cited in 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering).

**Subchapter I. INFORMAL COMPLAINTS**

Sec.  
56.211. Informal complaints.

**§ 56.211. Informal complaints.**

The Bureau of Consumer Services (BCS) will have primary jurisdiction over ratepayer, applicant or occupant complaints arising under this chapter. The BCS, through its Director and with the concurrence of the Commission, will establish appropriate internal procedures to implement the provisions of this chapter.

- (1) Absent good cause, the BCS will handle only Chapter 56 informal complaints in which the customer first attempted to resolve the matter with the utility.
- (2) Only after the customer and the utility have failed to resolve the dispute will BCS initiate an investigation.

**Authority**

The provisions of this § 56.211 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504—506, 1301, 1305, 1501 and 1504.

**Source**

The provisions of this § 56.211 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended July 17, 1998, effective August 17, 1998, 28 Pa.B. 3379. Immediately preceding text appears at serial page (205786).

**Cross References**

This section cited in 52 Pa. Code § 56.100 (relating to winter termination procedures); and 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering).

**Subchapter J. GENERAL PROVISIONS**

Sec.

- 56.221. Availability of normal Commission procedures.
- 56.222. Applications for modification or exception.
- 56.223. Inconsistent tariff provisions.
- 56.224. [Reserved].

**§ 56.221. Availability of normal Commission procedures.**

Nothing in this chapter is deemed to prevent a person or a utility from pursuing other Commission procedures in a case not described in this chapter.

**Source**

The provisions of this § 56.221 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655.

**Cross References**

This section cited in 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering).

**§ 56.222. Applications for modification or exception.**

(a) If unreasonable hardship to a person or to a utility results from compliance with a section in this chapter, application may be made to the Commission for modification of the section or for temporary exemption from its requirements. The adoption of this chapter by the Commission will in no way preclude it from altering or amending it under the applicable statutory procedures, nor will the adoption of this chapter preclude the Commission from granting temporary exemptions in exceptional cases.

(b) A person or utility that files an application under this section shall provide notice to persons who may be affected by the modification or temporary exemption. Notice may be made by a bill insert or in another reasonable manner.

**Source**

The provisions of this § 56.222 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655.

**Cross References**

This section cited in 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering).

**§ 56.223. Inconsistent tariff provisions.**

A tariff provision inconsistent with this chapter is deemed nonoperative and superseded by this chapter.

**Authority**

The provisions of this § 56.223 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504, 1301, 1305, 1501 and 1504.

**Source**

The provisions of this § 56.223 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250. Immediately preceding text appears at serial page (37374).

**Cross References**

This section cited in 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering).

**§ 56.224. [Reserved].****Source**

The provisions of this § 56.224 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; reserved April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250. Immediately preceding text appears at serial pages (37374) to (37375).

**Subchapter K. MONTHLY UTILITY REPORTING  
REQUIREMENTS**

Sec.  
56.231. Reporting requirements.

**§ 56.231. Reporting requirements.**

Within 15 days after the end of each month, each electric, gas and steam heat utility shall file with the Commission a report containing the following information for that month:

- (1) Total number of accounts, categorized as follows:
  - (i) By classification—residential, residential multi-unit dwellings.
  - (ii) By usage—heating, nonheating.
- (2) Number of overdue accounts, categorized as follows:
  - (i) By usage—heating, nonheating.
  - (ii) By amount overdue—\$25 or less, \$26—\$50, \$51—\$150, \$151—\$250, \$251—\$500, \$501—\$1,000 and over \$1,000.

- (iii) By time overdue in days—30 days or less, 31—60 days, 61—90 days, 91—120 days, and over 120 days.
- (3) Dollar amount overdue, categorized as follows:
  - (i) Total amount of arrearages.
  - (ii) By usage—heating, nonheating.
  - (iii) By time overdue in days—30 days or less, 31—60 days, 61—90 days, 91—120 days, and over 120 days.
- (4) Total number of ten-day termination notices sent out by company.
- (5) Total number of dwellings which receive notices sent to ratepayers other than occupants.
- (6) Number of completed personal contacts categorized as follows:



- (i) In person.
  - (ii) By telephone.
  - (iii) By third-party notification to a person designated by the customer.
  - (iv) By third-party notification to a community interest group.
  - (v) By third-party notification to the Commission or its designee.
- (7) Total number of 48-hour notices posted.
- (8) Number of terminations completed by the company, categorized as follows:
- (i) Number of nonpayment of undisputed delinquent accounts, failure to satisfy credit requirements, noncompliance in the settlement of amortization agreement.
  - (ii) Others.
- (9) Number of terminations completed, categorized as follows:
- (i) By usage—heating, nonheating.
  - (ii) By amount overdue—\$25 or less, \$26—\$50, \$51—\$150, \$151—\$250, \$251—\$500, \$501—\$1,000 and over \$1,000.
  - (iii) By length of time overdue—30 days or less, 31—60 days, 61—90 days, 91—120 days, and over 120 days.
  - (iv) By first three digits of each account's zip code.
- (10) Reconnections, categorized as follows:
- (i) By usage—heating, nonheating.
  - (ii) By whether amortization settlement agreement was achieved:
    - (A) With involvement of the Commission.
    - (B) Between the customer and utility.
  - (iii) By total number of the reconnections due to medical certification.
  - (iv) By total number of reconnections due to full payment of arrearage.

**Source**

The provisions of this § 56.231 adopted November 16, 1979, effective November 17, 1979, 9 Pa.B. 3797.

**APPENDIX A**

**MEDICAL EMERGENCY NOTICE**

If you, or anyone presently and normally living in your home is **SERIOUSLY ILL, WE WILL NOT CUT OFF YOUR SERVICE** during such illness provided you:

- (a) Have a physician certify by phone or in writing that such illness exists and that it may be aggravated if your service is stopped; and
- (b) Make some equitable arrangement to pay the company your past due and current bills for service.
- (c) Contact us by calling the following number:

56-63

(Utility) Phone Number:

(Utility) Address:

**Source**

The provisions of this Appendix A adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655.

**Cross References**

This appendix cited in 52 Pa. Code § 56.2 (relating to definitions).

**APPENDIX B**

**MEDICAL EMERGENCY NOTICE**

If you, or anyone presently and normally living in your home is **SERIOUSLY ILL, WE WILL RESTORE YOUR GAS OR ELECTRIC SERVICE** during such illness provided you:

(a) Have a physician certify by phone or in writing that such illness exists and that it may be aggravated if your service is not restored; and

(b) Make some equitable arrangement to pay the company your past due and current bills for service.

(c) Contact us by calling the following number:

(Utility) Phone Number:

(Utility) Address:

**Source**

The provisions of this Appendix B adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655.

**Cross References**

This appendix cited in 52 Pa. Code § 56.2 (relating to definitions); and 52 Pa. Code § 56.96 (relating to post-termination notice).

[Next page is 57-1.]